

ACTS

PASSED AT THE ANNUAL SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA;

BEGUN AND HELD IN THE CITY OF TUSCALOOSA, ON THE FIRST
MONDAY IN DECEMBER, 1842.

BEN. FITZPATRICK, GOVERNOR.

NATHANIEL TERRY, PRESIDENT OF THE SENATE.

JOHN ERWIN, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TUSCALOOSA:

PHELAN & HARRIS, PRINTERS.

1843.

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LAWS OF ALABAMA.

[No. 1.]

AN ACT

1843.

To raise a Revenue for the support of the State Government, and for other purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all lands in this State subject to taxation, shall pay an *ad valorem* tax, to be estimated by the person giving in the same, on oath: and all lands subject to taxation shall be returned, and the taxes thereon paid, in the county where the same may lie; and if the tax collector shall be of opinion that the value placed upon lands thus given in is too low, then it shall be the duty of said collector to summon two discreet freeholders, who shall, together with himself, value the same on oath. Lands how
taxed.

SEC. 2. *And be it further enacted,* That on all lands in this State liable to taxation, (including all Indian reservations under the treaties with the Creek, Choctaw, Chickasaw and Cherokee tribes of Indians, which are now owned by any person or persons,) shall be assessed and collected the sum of twenty cents for every hundred dollars cash value thereof, ascertained as aforesaid. Per cent.

SEC. 3. *And be it further enacted,* That on all lands, lots or buildings within any city or town within this State, there shall be assessed and collected the sum of twenty cents for every hundred dollars cash value, to be estimated as provided for in the first section of this act: *Provided,* That whenever the owner or agent of lands, lots or buildings, shall neglect or refuse to assess the value thereof, it shall be the duty of the Tax Collector to summon two freeholders of the vicinage to determine the value thereof on oath; which valuation shall be final and conclusive. Town lots.

Proviso.

Rate of tax
on personal
property.

SEC. 4. *And be it further enacted*, That upon the property hereinafter named, there shall be assessed and collected, the tax hereinafter specified, as follows: that is to say, for every slave not exceeding ten years old, ten cents; for every slave over ten and under fifty years, fifty cents: *Provided*, That all slaves which from disease or otherwise shall be valueless, shall not be liable to taxation; for all free negroes and mulattoes over twenty years and under sixty years, one dollar. Where the tax paid on real or personal property by the head of such family exceeds the sum of one dollar, the females of such family shall not be taxed. For all white males over twenty-one and under forty-five years, twenty-five cents; for all pleasure carriages and harness, fifty cents, for every hundred dollars' value of the same, to be estimated by the person giving in the same, under oath; for every horse kept exclusively for racing, twenty cents for every hundred dollars' value, to be estimated by the person giving in the same, on oath; for every stud horse or jackass, the amount for which such stud horse or jackass stands for the season; for every horse kept exclusively for the saddle or harness, fifty cents, each; for every public racetrack, twenty dollars; for every head of neat cattle, owned in this State by any person residing in or out of this State, over forty head, (work-oxen excepted,) one cent per head; for every gold watch kept for use, fifty cents; for every silver watch kept for use, twenty-five cents; for all gold safety chains worn by male persons over twenty-one years, fifty cents; for every clock, the work of which is metal, and kept for use, twenty-five cents; and for every pack of playing cards used, sold, given away, or otherwise disposed of, one dollar.

Goods sold at
auction.

SEC. 5. *And be it further enacted*, That upon all goods sold at auction, except such goods as may be sold by execution or order or decree of any of the courts of this State, or by virtue of any mortgage, with power of sale or deed of trust, there shall be assessed and collected two per centum on the amount of sales. Upon all moneys loaned at interest to any person in this State or out of it, one fourth of one per cent.; upon all moneys used or laid out in what is usually termed shaving, or in the purchase of promissory notes, judgments or other securities for the payment of money, thirty cents for every hundred dollars' amount of paper, notes, judgments or other securities so purchased or shaved; upon all moneys or credits used in the purchase of the bills of any of the Banks of the State of Alabama, or any other bank bills, or in the purchase or sale of domestic or foreign bills of exchange or checks, drafts or certificates of deposite, fifty cents for every hundred dollars so used; and all factors, (domestic or foreign,) commission merchants, cotton brokers and auctioneers, shall pay twenty-five cents for every hundred dollars' amount of their commissions or brokerage accruing to them in their business as factors, brokers, merchants

or auctioneers; upon every hundred dollars' amount of merchandise, domestic or foreign, (except such articles as are manufactured in this State,) sold from and after the passage of this act, there shall be assessed and collected the sum of twenty cents. And the several items of taxation embraced in this section shall be given in to the assessor, and paid by the persons liable for the same, as follows: computing from the passage of this act to the first day of May, eighteen hundred and forty-three, and thereafter from the first day of May of one year to the first day of May in the next succeeding year: and if any person or persons liable to pay tax under the provisions of this section, shall fail or refuse to give in a true account of the amounts hereby required to be assessed by the twentieth of May in each and every year, it shall be the duty of the assessor to assess the sum of one thousand dollars, and the collectors shall proceed to collect the same, together with such per centum as the County Court shall have levied on the State tax, which sum shall be collected and paid over as other taxes.

SEC. 6. *And be it further enacted*, That for every billiard table kept for play, there shall be assessed and collected the sum of fifty dollars; and for every bagatelle table kept for play, ten dollars; for every nine or ten pin alley, or other ball alley or table kept for play, ten dollars. And in all cases upon the refusal of the owner or keeper of the said tables or alleys to give in the same, the table or alley so kept for play, shall be liable to be seized and sold by the assessor for the payment of said tax. Billiard tables, &c.

SEC. 7. *And be it further enacted*, That for each license to keep tavern in any city in this State, there shall be paid fifty dollars; for each license to keep tavern in any incorporate town or village, ten dollars; for each license to retail spirituous or fermented liquors, thirty dollars; for all license for public exhibitions of museums, wax-works, feats of activity, or other public shows, ten dollars. Taverns and shows.

SEC. 8. *And be it further enacted*, That all owners and keepers of warehouses, where cotton is received on storage, shall be required to pay on each bale of cotton so received on storage, one mill, which amount shall be given in to the assessor in the same manner, and subject to the same penalties, as is prescribed in relation to factors and others in the fifth section of this act. Cotton stored

SEC. 9. *And be it further enacted*, That on all established theatres used for public exhibitions or performances, there shall be assessed and collected fifty dollars; and in case the owner or person in possession, or manager, shall fail or refuse to pay the same to the tax collector of the county where such theatre may be located, on or before the first day of August in each and every year, it shall be the duty of such collector to levy on Theatres.

and sell such theatre, or so much of the property appertaining to the same as shall be necessary for the payment of the tax.

Hawkers or
pedlers.

SEC. 10. *And be it further enacted*, That for every license granted to any hawker or pedler to peddle in any county in this State, there shall be paid fifty dollars, for each wagon, cart or carriage by them used or employed for peddling; and the County Court of Roads and Revenue are hereby authorized to impose such additional tax on the license of hawkers and pedlers, as they may deem proper; but the said Courts shall levy upon all other license the same per centum that they levy upon the State tax: *Provided*, That nothing in this section shall be so construed as to compel such persons as have been heretofore permitted by the General Assembly to hawk and peddle in certain counties of this State free of taxation, to pay tax in the same.

Proviso.

Transient
merchants.

SEC. 11. *And be it further enacted*, That all transient merchants, or transient dealers in drugs or patent or other medicines, shall, before they sell or vend any goods, wares or merchandise, or any drugs or patent medicines, in any county in this State, apply to the clerk of the County Court of such county, and obtain a license, for which such person so applying shall pay the clerk the sum of twenty dollars: and if any transient merchant or dealer in drugs, patent or other medicines, without license as aforesaid, shall offer to vend or sell any goods or medicines, such person or persons so offending shall be proceeded against in the same manner as is now prescribed by law for proceeding against hawkers and pedlers for selling without license: and all persons who shall vend any goods or medicines as mentioned in this section, shall be deemed to be transient, who do not settle for the year to carry on the trade of buying or selling in the county or town in which the sales are made.

Tax collector
to be appointed.

SEC. 12. *And be it further enacted*, That in all the counties in this State in which there is no tax collector now elected for the year eighteen hundred and forty-three, or where the office may have become vacated, it shall be the duty of the Judge of the County Court, and Commissioners of Roads and Revenue, at the first term of said Court, to appoint a suitable person as Tax Collector for such county: and should the said appointment not be made at the first term, then the Judge shall cause the Court to be convened, at such time as he may appoint for the purpose of making such appointment; and in case the Commissioners of Roads and Revenue shall fail to attend, the Judge shall make the appointment: and hereafter, annually, at each general election, there shall be elected by the qualified electors of each county, a suitable person as collector, whose duty it shall be to collect the State and county taxes for the next succeeding year: and it shall be the duty of the several Tax Collectors, who may be now elected, or who may be appointed under the provisions of this section, before they enter upon the du-

ties of their office, to give bond with sufficient securities, as is now prescribed by law, in double the estimated amount of the State and county tax of said county. Shall give bond.

SEC. 13. *And be it further enacted*, That the several Tax Collectors in this State shall hereafter receive the following compensation for assessing, collecting and accounting for the taxes by them collected, to wit, twenty per cent. on the first five hundred dollars; ten per cent. on the next five hundred dollars; five per cent. on the next thousand dollars; four per cent. on the next thousand dollars; and on all sums over three thousand dollars, two per cent.; and for collecting and paying over the county taxes, five per cent., when the sum does not amount to two thousand dollars; and when the taxes amount to a sum over two thousand, and not exceeding five thousand dollars, four per cent.; and when the taxes amount to a sum over five thousand dollars, three per cent.: *Provided*, That no Tax Collector shall receive any commission for receiving and accounting for the taxes arising from licenses. Compensation to tax collector.

SEC. 14. *And be it further enacted*, That hereafter no property shall be exempt from execution in the hands of a Tax Collector for taxes.

SEC. 15. *And be it further enacted*, That the County Courts of Roads and Revenue may, and they are hereby authorized to levy such per centum upon the State tax as they may deem proper: *Provided*, That such county tax shall in no case, except in counties specially authorized by law, exceed thirty per cent. on the amount of the State tax; and no claims against the county shall be received by the collectors in payment of county taxes, except the certificates of jurors. County tax. Proviso.

SEC. 16. *And be it further enacted*, That every person who shall offer slaves for sale in any county in this State, as a merchant, dealer, trader or broker, dealing in that property, before he shall be authorized to make sale of any slave, he shall procure from the clerk of the County Court of the said county, a license, for which he shall pay fifty dollars, which shall authorize the sale in the said county for one year from the date: and every person who shall make sale of slaves in manner aforesaid without such license, shall be proceeded against in the same manner as retailers of spirituous liquors without license; and a want of such a license shall be a defence in any suit commenced by said dealer, broker or merchant, for the price of any slave so sold: *Provided*, That this section shall not be so construed as to apply to any citizen of the State, or his agent selling his slave or slaves, who does not make a business thereof. License to sell slaves. Proviso.

SEC. 17. *And be it further enacted*, That the Judge of the County Court and Commissioners of Roads and Revenue in each county, shall on the first Monday in March next, and annually, thereafter, appoint a Justice of the Peace, or some other suitable person, in each beat, to assess the taxes in such beat according to Appointment of assessors in each beat.

the provisions of this act; and said Judge and Commissioners are hereby authorized at any time to fill any vacancy of the office of assessor, in any way happening, and to prescribe the amount for which each assessor shall give bond, and to approve the securities thereto, which bond shall be made payable to the Governor, and his successors in office; and should said Judge of the County Court and Commissioners of Roads and Revenue, on said first Monday in March next, fail to make said appointments, it shall be the duty of the Judge of the County Court, so soon thereafter as practicable to assemble said Court, which said Court, when assembled, shall make the same.

Assessments how conducted. SEC. 18. *And be it further enacted*, That said assessors shall first take an oath faithfully to discharge the duties of assessor, and shall then proceed to assess all the taxable property in their respective beats, upon the oath of the persons whose taxes are to be assessed; and in case such person shall fail or refuse to return his taxable property on oath, or said assessor shall be dissatisfied with such return, he shall proceed to assess the same himself, or call on two disinterested freeholders to make such assessment under oath. Such assessor is authorized to administer all necessary oaths. Every person shall make return of his taxable property in the beat where he may reside. Any person owning property in several beats of a county in which he does not reside, shall make a return thereof in any one of said beats, as he may choose. The assessors shall complete their assessments, and return the same to the clerk of the County Court, by the first day of June, in each year. The assessor shall be entitled to fifty cents, to be paid by any person whose house he shall be required to visit to make his assessment. The assessor shall attend at least two days at the muster ground in his beat to make assessments, notice of which shall be given ten days beforehand.

Duty clerk county court. SEC. 19. *And be it further enacted*, That on the return to the Clerk of the County Court of the assessments for each beat, it shall be his duty, by the first day of July in each year, to consolidate the same, keeping each beat separate, and make three copies thereof, one of which he shall hand to the Tax Collector, one to the Treasurer of his county, and forward the other forthwith to the Comptroller of Public Accounts, filing the original assessments in his office, open to the inspection of the citizens of his county, for which said clerk shall receive such compensation as the Judge of the County Court and Commissioners of Roads and Revenue, in each respective county may allow.

Duty of tax collector. SEC. 20. *And be it further enacted*, That the Tax Collector shall be required to pay over to the County Treasurer, one half of the commissions allowed him by this act, to be by the Judge of the County Court and Commissioners of Roads and Revenue distributed fairly and equitably among the different assessors, according to the labor and services each has rendered.

SEC. 21. *And be it further enacted*, That the Comptroller of Public Accounts shall annually, by the first Monday in every March, make out and forward to the Clerks of the County Courts a formula of the manner of assessments to be made according to law, a copy of which shall be furnished each person appointed assessor as aforesaid.

Formula of
assessment.

SEC. 22. *And be it further enacted*, That slaves which may be hereafter executed in pursuance of law, shall be paid for in the manner hereinafter provided.

SEC. 23. *And be it further enacted*, That whenever on the trial of any slave for a capital offence, the jury shall return a verdict of guilty, the presiding judge shall have the same jury sworn to assess the value of said slave, and the verdict of said jury shall be entered on the record of the Court, and the master or owner of such slave producing to the Comptroller of Public Accounts, a transcript from the record of the Court, regularly certified by the Clerk, the certificate of the Sheriff, that any slave has been executed in pursuance of the sentence of the Court, shall be entitled to receive a warrant on the Treasurer for one half of the amount assessed by the jury, to be paid out of the fund hereinafter provided for that purpose.

Payment for
executed
slaves.

SEC. 24. *And be it further enacted*, That to raise a fund for the purpose aforesaid, it shall be the duty of the assessor, annually to assess a tax of one cent on all slaves under ten years, and two cents on all slaves over ten and under fifty; and it shall be the duty of the Tax Collector to collect and return the same at the same time, and in the same manner they are compelled by law to collect and return the State tax; and it shall be the duty of the Treasurer to keep said fund separate and distinct from the revenue of the State.

Tax to raise a
fund for that
purpose.

SEC. 25. *And be it further enacted*, That the Tax Collector be required to collect and assess the tax of any person taxed by this act, who may have failed to give in his tax-list to the assessor, whenever the same may come to his knowledge, and due return make thereof.

Duty of tax
collector.

SEC. 26. *And be it further enacted*, That all laws now in force contravening the provisions of this act be, and the same are hereby repealed, and all other laws heretofore in force in relation to taxes, and which do not conflict with the provisions herein contained, are hereby declared to be revived, and in full force.

Repeal.

Approved, February 13th, 1842.

[No 2.]

AN ACT

Explanatory of an Act to raise a Revenue for the support of the State Government, and for other purposes; passed February 13, 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That nothing in the above recited Act shall be so construed as to authorize any person to keep or exhibit any of the Banks or Tables enumerated in the twelfth section of the sixth chapter of an act regulating punishments under the Penitentiary system, approved 9th January, 1841.

Fifth section
of Revenue
law explained

Sec. 2. *And be it further enacted,* That so much of the fifth section of the aforesaid act recited in the caption hereof, as imposes a tax upon all monies or credits, used in the purchase of the bills of any of the Banks of the State of Alabama, or any other Bank bills; or in the purchase or sale of domestic or foreign Bills of Exchange, or checks, drafts, or certificates of deposit, shall be applicable solely to persons or corporations who employ such monies or credits for the purposes of profit; and shall not be levied upon persons or corporations who employ such monies or credits in any business from which a profit is not derived from the purchase or sale of any such bank bills, domestic or foreign exchange, checks, drafts, or certificates of deposit.

Approved, 14th February, 1843.

[No. 3]

AN ACT

To prohibit the raising of money by Lottery.

Former privilege
abolished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the privileges and permissions heretofore granted by the Legislature of this State, to raise and collect money by Lottery, be and the same are hereby withdrawn and abolished.

Penalty for
exhibiting
Lottery.

Sec. 2. *And be it further enacted,* That from and after the passage of this act, any person who shall keep and exhibit a Lottery or other machine for the purpose of drawing any lottery, or shall advertise any scheme for the drawing a lottery, as manager, agent, or otherwise, shall, on conviction, be fined in a sum not less than one hundred nor more than five hundred dollars; and on failure to pay the fine and cost, the defendant shall be committed to the jail of the proper county, there to remain until said fine and cost shall be paid in full.

Sec. 3. *And be it further enacted,* That this act shall take effect from and after the first day of May next.

Approved 12th January, 1843.

[No. 4.]

AN ACT

For the regulation of the Branch of the Bank of the State of Alabama, at Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the powers heretofore vested in the President and Directors of the Branch of the Bank of the State of Alabama at Mobile, to deal in Bills of Exchange, to discount promissory notes, and to receive money on deposit, be and the same are hereby revoked, and the said Bank shall only be continued in operation for the security and collection of its debts, and for the settlement and liquidation of its affairs. Revocation of powers.

Sec. 2. *And be it further enacted,* That the powers heretofore conferred upon the President and Directors of the said Bank to make settlements and to renew notes, be continued: Certain powers continued. *Provided,* that no real or personal estate shall be taken in payment or settlement of any debt, and no chose in action shall be taken in settlement or renewal of any debt, unless it shall contain a promise of payment directly to the said Branch Bank, or shall consist of negotiable securities to be negotiated before maturity at the same, and no proposition for renewal or settlement shall be operative without the concurrence of the President and all the Directors, which said choses in action shall only be received as collateral security in all cases of renewal where the original parties are charged. Proviso.

Sec. 3. *And be it further enacted,* That the number of Directors of the said Bank shall be reduced to *three* persons, who shall be elected by a joint vote of both houses of the General Assembly, from *seven* persons to be nominated to them by the Governor, for the ensuing year after the passage of this act, and thereafter at the commencement of each annual meeting of the General Assembly; and all vacancies that may occur in the board of President and Directors during the recess of the General Assembly, shall be filled by the Governor, and it shall be the duty of the Cashier to notify the Governor of the fact that a vacancy has occurred within five days after the same has happened. Number of Directors. How nominated and elected. Vacancies how filled.

Sec. 4. *And be it further enacted,* That the said Directors shall receive the same per diem compensation now prescribed by law, *Provided* the sum allowed to any one Director shall not exceed eighteen hundred dollars, and the President and Directors shall have no power to make any allowance or appropriation for their own benefit, nor shall they or either of them be employed in any extra service on account of the said Bank, and no claim for extra allowances by the President and Directors shall have any validity until ratified by the General Assembly. Compensation.

Sec. 5. *And be it further enacted,* That the President and Directors shall each give bond to the said Bank in the penal Bond.

By whom taken. sum of twenty thousand dollars, conditioned for the faithful performance of the duties of their office, to which there shall be two or more sufficient securities, that the said bond shall be taken by the Judge of the county court of Mobile county, and recorded in the office of the clerk of the county court of said county, and the original shall be filed with the Secretary of State, and a copy of the same duly certified shall be admitted in evidence in any court in place of the original.

Bills receivable in payment of debts due Banks. Sec. 6. *And be it further enacted*, That the bills of the said Branch Bank shall be receivable as heretofore in the payment of debts now due or which are running to maturity in the Bank of the State of Alabama or either of the branches thereof, and all the future renewals or extensions of the said debts; and when any of the bills of the Branch Bank at Mobile aforesaid shall be taken by the said Bank of the State of Alabama or either of the other branches, the same shall not be re-issued, but the said Bank and branches shall stand as creditors of the Branch Bank at Mobile, and be entitled to payment out of the assets of the same as they may be collected, *Provided*, that no part of said assets shall be so applied until the circulation of said Branch Bank in the hands of individuals or corporations other than said State Bank and branches, shall be reduced to two hundred thousand dollars.

Proviso.

Officers of the Bank. Sec. 7. *And be it further enacted*, That after the first day of March next the officers of the said Bank shall consist of a Cashier and three Clerks, that the salary of the Cashier shall be eighteen hundred dollars per annum, and the salaries of the Clerks shall not exceed twelve hundred and fifty dollars per annum for each one of them.

Real estate pledged and vested. Sec. 8. *And be it further enacted*, That the real property now held or which may be acquired by the said Branch Bank in settlement of any debt, is hereby pledged for the payment of the debts due by the Branch Bank aforesaid in equal portions, and the said lands shall be vested in the President and Directors of said Bank and their successors for that purpose.

How valued and sold. Sec. 9. *And be it further enacted*, That two Commissioners shall be appointed by the Governor, (who do not reside within the vicinity of said real estate) whose duty it shall be to examine and value the same upon oath in suitable tracts or parcels, for the purpose of selling the same, which valuation with a description of said tracts or parcels, shall by them be returned to the Secretary of State to be filed in his office, upon the reception of which it shall be the duty of the Governor, (at such times and places as he with the advice of said President and Directors shall deem advisable) upon giving ninety days public notice of the time and place, in a newspaper published nearest the location of the real estate to be sold, to offer said lands, lots or real estate for sale in such parcels, tracts or lots, to the highest bidder at public outcry, one fourth for cash, and the residue in one, two and

three equal annual instalments, with six per centum per annum, interest thereon, payable in the notes of the Bank of the State of Alabama or any of its branches.

Sec. 10. *And be it further enacted*, That three fourths of the value so fixed upon the said lots, tracts, or parcels, shall be the minimum price at which it shall be set up, which if not sold, the same shall be withdrawn from sale. Minimum.

Sec. 11. *And be it further enacted*, That it shall be the duty of the said President and Directors, or their authorized agents conducting said sale, to take the notes of the purchaser or purchasers of any of said tracts, parcels, or lots, so sold for the residue of the purchase money and interest, as herein before provided for, and to give to him, her, or them a certificate of purchase certifying the lot, tract, or parcel so purchased, and price, and shall also return the purchase money and notes so received to the said Branch Bank, and take the receipt of the Cashier therefor, and return said receipt to the office of the Secretary of State, and upon full payment being made for any purchase, the President and Directors of said Branch Bank shall make titles to the purchaser or purchasers, their heirs or assigns, for the tract so paid out in full, and if any of said notes are not punctually paid the Governor shall be authorized to declare the contract forfeited, to dispossess the purchaser, and re-sell the premises as if no sale had been made, nor shall any part of the money paid be refunded to the purchaser, whenever the Governor shall declare the contract to have been forfeited, and the said Commissioners shall be allowed a compensation not exceeding three dollars per day for the time so engaged, to be paid them by the Cashier of the said Branch Bank upon their account rendered on oath, of the time occupied by them in valuing said lands. Purchaser to give notes, &c.

Failure of payment to operate as a forfeiture.

Sec. 12. *And be it further enacted*, That the debtors of the said Branch Bank shall have the right to pay any debt due to the same in the bills of the said Branch Bank, and no process or proceedings against the debtor shall be operative to deprive the debtor of this privilege. Bank to receive their notes in payment of debts.

Sec. 13. *And be it further enacted*, That the said President and Directors may employ extra agents to transact special business for the same: *Provided*, that said President and Directors shall make the contract for compensation before the same is undertaken, or if no contract is so made the rate of compensation shall be fixed by the concurring vote of the President and all the Directors, and approved by the General Assembly before payment shall be made. Agents may be employed.

Sec. 14. *And be it further enacted*, That the President of the State Bank shall receive the bills of the Branch Bank, after they shall be registered in a book to be kept for that purpose, and marked "cancelled," by having the word *cancelled* written across the face of said bills, the blank impressions of bills and the plates that are now in possession of the said Branch Bank, Bills of Branch Bank to be destroyed.

Publication to
be made of
the same.

after allowing a sufficient sum for the payment of the current liabilities of the same, and allowing the sum of twenty thousand dollars to be retained for the payment of contingent and other expenses, which bills and blank impressions shall be destroyed by the President and Directors of the Bank of the State of Alabama, in the presence of the Governor and Secretary of State, who shall cause the same to be published from time to time, setting forth the amount so destroyed.

Banks to have
quarterly set-
tlements.

Sec. 15. *And be it further enacted*, That the Bank of the State of Alabama and the branches thereof shall have quarterly settlements with the Branch Bank at Mobile, and the bills of the said Branch Bank at Mobile, held by said branches shall be delivered on such settlements marked "cancelled," over to the President and Directors of the Branch Bank at Mobile, who shall forward them to the Bank of the State of Alabama, to be registered in a book kept for that purpose, and destroyed in the same manner as provided for in the 14th section.

Resumption
of State B'k.

Sec. 16. *And be it further enacted*, That when the State Bank or such of the branches as may not be placed in liquidation at the present session of the General Assembly, resume specie payments upon all their issues, they shall in like manner redeem the notes of the Branch Bank at Mobile.

Personal prop-
erty of Bank
to be sold.

Sec. 16. *And be it further enacted*, That the President and Directors shall during the year 1843, proceed to sell to the highest bidder for cash, all the personal property held by said Branch Bank (except the furniture belonging to the banking house,) after having given thirty days notice of the time and place of any such sale, in one or more newspapers published in the city of Mobile, and in one paper published nearest the place of sale: *Provided however*, no sale shall take place until the President and Directors shall have obtained the assent of the Governor thereto: and *provided further*, that at such sale neither the President nor Directors shall become directly or indirectly purchasers of any of said property, except it be for the State of Alabama.

Provisos.

Approved, 21st January, 1843.

[No. 5.]

AN ACT

Concerning Coroners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act the Judges of the several county courts in this State shall have power in all cases of emergency to appoint a special Coroner during the temporary absence of the Coroner of the county.

Approved, 4th February, 1843.

[No. 6.]

AN ACT

To authorize the Amendments of Writs of Error.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all Writs of Error, wherein there shall be any variance from the original record, either in the name or the number of the parties, the form of action, or other defect, may and shall be amended, and made agreeable to such record, by the respective courts, where such writ or writs of error shall be made returnable, under such rules and regulations as the Supreme Court may prescribe.

Approved, 12th January, 1843.

[No. 7.]

AN ACT

Regulating and prescribing the mode of settlement in Orphans' Courts by Executors, Administrators and Guardians.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter when it shall be necessary for any Executor, Administrator or Guardian, to make annual or final settlements of his Executorship, Administration or Guardianship, with the Orphans' Court having jurisdiction thereof, such Executor, Administrator, or Guardian, shall file in the Office of the Clerk of said Orphans' Court, an account between himself and the estate of which he has charge, or the ward of whom he is Guardian; in which account he shall charge himself with all wherewith he is by law chargeable, and credit himself by all to which he is of right entitled as credits; and he shall file also with said account, such vouchers and written evidences as he may rely on to sustain the credit side of said account; whereupon it shall be the duty of the Judge of said Orphans' Court to order publication to be made for at least forty days, (either by posting up written notices at the door of the court house and three or more other public places in the county, or by advertisement for three consecutive weeks in some newspaper, as such Judge may direct) that all persons concerned in adverse interest may appear at the time specified in said order, and contest said settlement if they think proper: *Provided*, that on application of either party and for good cause shewn, said settlement may be continued in the same way and under the same rules as far as practicable, that causes are continued in other courts of this State.

Duty of executor, administrator or guardian.

Duty of court.

Proviso.

Sec. 2. *Be it further enacted,* That at the time appointed in said order of publication, for said settlement to be made, or so soon thereafter as the same is regularly reached, the said Judge shall audit and examine said account and vouchers, and

Accounts to be audited.

after hearing the exceptions and objections to the same, (if any made) and the evidence adduced, shall proceed to state the same, and render a decree thereon, which decree shall in all respects have the force and effect of a judgment at common law.

Manner of filing accounts, and list of heirs.

Sec. 3. *Be it further enacted*, That to the end that said Judge may be informed in whose favor such decree shall be rendered on such final or annual settlement, and may appoint Guardians *ad litem* of the minor heirs and legatees of said estates (if necessary,) every Executor or Administrator, when he files his vouchers and account as aforesaid for settlement, shall at the same time file with the same on oath, a statement containing a list of the heirs and legatees of said estate, specifying which are minors, *femes covert*, and *non compos mentus*; and this duty shall be deemed official, and the Executor or Administrator and his sureties shall be liable on his official bond as such, for all damages arising from a neglect of the same.

Approved, 14th February, 1843.

[No. 8.]

AN ACT

Concerning the Estates of Deceased Persons.

Governor's duty in making title to 16th sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in all cases whenever any person shall have purchased, or be the holder of any sixteenth section lands, and shall have died before complete payment is made for the same, or before a patent shall be obtained, it shall be lawful for the Governor, and it is hereby made his duty, to grant a patent or patents to the heirs of such decedent, without designating them by name: *Provided*, he shall be satisfied that full and complete payment has been made for the lands so purchased or held: *Provided*, that the lands in such cases shall be liable to the creditors of the ancestor in the same manner as if titles had been perfected during his or her life.

Lands shall inure to heirs.

Sec. 2. *And be it further enacted*, That all lands granted by patent as provided for by this act, shall inure to such heirs in the same way as though they had been particularly designated by name, and shall be subject to be disposed of in the same way as if the same had descended from a complete title in the ancestor.

Titles.

Sec. 3. *And be it further enacted*, That the Governor shall have like power to make title in all cases of purchases of sixteenth section lands whenever proper evidence is furnished him of a total payment having been made for the same.

Approved, 23d January, 1843.

[No 9.]

AN ACT

To amend an act for the better regulation and management of Steam Boats.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That if any person shall perform the duties of first or second Engineer of any steam boat without first having obtained the certificate provided by the sixth section of the act to which this is an amendment, he shall forfeit for the use of the President and Directors of the board of steam boat Engineers of Mobile, the sum of one hundred dollars for each and every month the said person may be so employed, which sum may be recovered by the said corporation in any court having jurisdiction of the same in an action of debt.

Certificate of
qualifications
required of
Engineer.

Approved, 27th January, 1843.

[No. 10.]

AN ACT

To amend the Laws in regard to Limitations of Actions.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That where any lands have been sold, or may hereafter be sold, under the decree of the court of Chancery, to satisfy any mortgage, deed of trust, or other incumbrance, that all rights or equities of redemption in any person not a party to the decree of sale, who shall claim under the mortgagor or grantor in the deed of trust or incumbrance, shall be forever barred and precluded, unless the suit for a redemption be commenced within five years from the execution of such decree of sale: *Provided*, that no suit shall be barred by the operation of this act, within five years from its passage.

Limitation to
five years.

Sec. 2. *And be it further enacted*, That all actions for recovery of lands, tenements or hereditaments in this State, shall be brought within ten years after the accrual of the cause of action, and not after: *Provided*, that five years be allowed under both sections of this act, for infants, *femes covert*, insane persons, and lunatics, after the termination of their disabilities to bring suits.

For recovery
of lands ten
years.

Proviso.

Approved 7th February, 1843.

[No. 11.]

AN ACT

Amendatory of the Laws in relation to the Estates of deceased Persons.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act it shall be the duty of the Judge of the Orphans' Court, granting letters

Duty Judge
Orphans'
Court.

of Administration or Letters Testamentary on the estate of any deceased person, to take into the estimated value of the estate all such real estate as the said decedent may have died seized and possessed of, and shall require of said Administrator or Executor, such bond and security and under such penalties, as now required by law of Administrators or Executors.

Duty of Ad-
ministrator or
Executor.

Sec. 2. *And be it further enacted*, That in all cases hereafter, when the Orphans' Court shall or may order or decree the sale of any lands belonging to the estate of any deceased person, it shall be the duty of the Administrator or Executor of said estate, to advertise and sell said lands on the terms and in the manner set forth in said order or decree, after giving the notice now prescribed by law in such cases, and shall report to said court within the time prescribed in said order or decree, an account of the sales thereof.

Conveyance
of title.

Sec. 3. *And be it further enacted*, That on a confirmation of such sale by the Judge of the Orphans' Court, the Executor or Administrator shall be and is hereby authorized and required to convey such real estate to the purchaser by deed, which shall vest in the purchaser such title as his testator or intestate had in such real estate; and the court may require the purchaser to secure the payment of the purchase money by deed of trust or mortgage on such real estate.

Repeal.

Sec. 4. *And be it further enacted*, That all laws or parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, 13th February, 1843.

[No. 12.]

AN ACT

Concerning Chancery Practice.

Registers
shall not dis-
solve Inju-
ctions.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That after the passage of this act it shall not be lawful for Registers in Chancery, to grant or dissolve injunctions.

Injunctions
how dissolved

Sec. 2. *And be it further enacted*, That it shall be lawful when an injunction has been granted, for the defendant or defendants in vacation after having filed an answer, to present to the chancellor, within whose division the bill may be pending, a copy of the bill and answer or answers, and to apply for a dissolution of the injunction, who shall act on such application, in the same manner, as now prescribed by law on similar applications in court: *Provided*, that ten days notice be given of such intended application, which notice may be given either to the complainant or his solicitor.

Approved, 13th February, 1843.

[No. 13.]

AN ACT

To regulate the management and expenses of the Bank of the State of Alabama, and its several Branches.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall not be lawful for Presidents or Directors of the Bank or Branch Banks aforesaid, to receive or take any sum from the said Banks, by way of allowance or payment for special or extra services; nor shall they, or either of them, make any contract with the Bank of any kind or description whatsoever, for employment, or for the sale or purchase of any property to or from the same.

No extra allowance to President or Directors.

Sec. 2. *And be it further enacted,* That hereafter, in all suits commenced by motion by the Bank, or any of the Branch Banks aforesaid, the notices and copies shall be prepared by the Attorney of the Bank, or under his direction, by the Clerks of the Bank, and the docket of cases shall also be prepared by them, and no fee or compensation shall be allowed for such service.

Bank notices how prepared

Sec. 3. *And be it further enacted,* That it shall not be lawful for the Clerks of the Circuit or County Courts, in such cases, to make any charge, except for the entry of judgment, the issual of execution, and the final record; that for the entry of judgment, the said Clerks shall have fifty cents; for all the services connected with the issual and return of any execution, fifty cents; and for the final record, twenty-five cents; and upon each alias execution, twenty-five cents; and no fee or other compensation shall be demanded of the Bank, until after the return of execution, returned "no property found," in any case in which the said Banks shall recover a judgment.

Clerks fees in Banks suits.

Sec. 4. *And be it further enacted,* That each of the Banks aforesaid may appoint an agent, who shall have the power to serve notices, subpoenas, attachments, executions and other process, and have the same powers, and shall be entitled to the same fees, and shall observe the same regulations, as the existing laws prescribe to sheriffs; and the said Banks shall require a bond of such officer, with sufficient securities, in the penal sum of not less than ten thousand dollars, faithfully to perform all the duties of his office; which bond may be increased, if necessary; and he shall also be required to subscribe an oath, faithfully and honestly to demean himself in his said office.

Banks may appoint agents.

Powers and duties.

Bond.

Oath.

Sec. 5. *And be it further enacted,* That the said Banks, and either of them, may commence suits in the Courts of the county of the residence of the defendants, by motion in the same manner as they may be commenced in the Circuit or County Courts of the county in which the Bank is situated.

Where suits may be commenced.

Sec. 6. *And be it further enacted,* That the Branch of the Bank of the State of Alabama at Decatur, be authorized to pay

Interest on
16th section
funds.

the interest on the funds of the sixteenth sections paid into the said Bank, and to lend the moneys that may hereafter be paid according to the existing laws; and in the event of the failure of moneys in the said Bank to pay the interest, the Branch Bank at Huntsville shall be authorized to lend the amount necessary, to said Branch Bank at Decatur, to perform this duty.

Banks may
employ attor-
neys in each
county.

Sec. 7. *And be it further enacted*, That in all cases in which it may be practicable, the said Bank and Branch Banks may employ some competent attorneys at law in each county in which any portion of the bad and doubtful debts, as classed at the present session of the General Assembly, may be due, and to place in said attorneys' hands such part of said bad and doubtful debts as may be deemed expedient; and such attorney shall receive such compensation for his services as a majority of the President and Board of Directors shall think proper: and where it may be impracticable to procure a competent attorney in any such county, one may be employed in the county nearest the same; and that the books containing a list of the debtors and amount of indebtedness to said Banks, which have been submitted to the members of the General Assembly at the present session, shall, as early as convenient, be returned to said several Branch Banks respectively.

Approved, 11th February, 1843.

[No. 14.]

AN ACT

To exempt certain property therein named from execution in the several counties of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, in addition to the articles now exempt by law from levy or sale, by virtue of any execution, or other legal process, one thousand pounds of fodder, and also one loom, also one man's saddle, and one lady's saddle, shall be retained by and for the use of every family in the several counties in this State, alike free and exempt from levy or sale by virtue of any execution or legal process.

Approved, 14th February, 1843.

[No. 15.]

AN ACT

To repeal a part of an Act therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the fourth section of an act to change the mode of reporting the decisions of the Supreme Court, approved February 5th, 1840, be, and the same is hereby repealed.

Repeal.

Sec. 2. *And be it further enacted,* That no contract shall hereafter be made for printing more than five hundred copies of any volume of the Reports of the decisions of the Supreme Court of this State. Contracts limited.

Sec. 3. *And be it further enacted,* That if any person shall sell, in this State, any volume or volumes of the Reports of decisions hereafter to be published, excepting such as belong to the State, and under a contract with the proper officer of the State, he shall be subject to an indictment, and on conviction, shall pay for the use of the Treasury of the State, the sum of twenty-five dollars for each volume so sold, and shall be imprisoned three months in the county jail, unless he sooner pays the whole amount of said fine and cost of suit. Penalty for selling without authority.

Sec. 4. *And be it further enacted,* That the price of the first, second and third volumes of Alabama Reports, new series, be, and the same is hereby reduced to three dollars. Price reduced

Approved, 14th February, 1843.

[No. 16.]

AN ACT

To repeal an Act requiring the Governor of the State to reside at the Seat of Government during the interval of the Legislature.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That during the recess of the General Assembly, it shall be lawful for the Governor of this State to leave the Seat of Government, whenever, in his opinion, the duties of his office do not require him to remain at the same.

Sec. 2. *And be it further enacted,* That the law now in force requiring the Governor, during the recess of the General Assembly, to reside at the Seat of Government, be, and the same is hereby repealed.

Approved, 14th February, 1843.

[No. 17.]

AN ACT

To abolish Brigade Encampment Drills, in this State, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the fifth and sixth sections of the ninth chapter of the military code of this State, as requires annual brigade encampment drills, be, and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted,* That it shall be the duty of all officers in this State, that have the custody of the tents, camp equipage, and other articles purchased by the State, for said encampment drills, to deliver the same over, on demand to Tents to be delivered to Q. M. General.

the Quarter Master General of this State, or his order; and it shall be the duty of the said Quarter Master General to take charge of the tents, camp equipage, and other articles purchased as aforesaid, in the same manner as he is now required by law to take charge of the military stores and arms of the State.

Approved, 4th February, 1843.

[No. 18.]

AN ACT

To alter the mode of electing the Directors of the Branch of the Bank of the State of Alabama at Huntsville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the number of Directors for the Branch of the Bank of the State of Alabama at Huntsville, shall be reduced to three persons, who shall be elected by a joint vote of both Houses of the General Assembly, from seven persons to be nominated to them by the Governor, for the present year, at the present session of the General Assembly, and thereafter at the commencement of every session of the General Assembly.

Approved, 8th February, 1843.

[No. 19.]

AN ACT

To establish and abolish certain Election Precincts, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Election Precincts be, and are hereby established, at the following places, viz:

Precincts established.

Shelby.

Franklin.

Autauga.

Sumter.

Macon.

Henry.

Cherokee.

Coosa.

Dallas.

Perry.

Wilcox.

Lowndes.

Walker.

At the house of Asa A. Billingslea, in the county of Shelby:

At Joseph Wofford's, and another at Robert Nelson's, in the county of Franklin:

At James Mims, in the county of Autauga, to be called the Goose Pond precinct:

At Warsaw, in Sumter county:

At George W. Smith's, in Macon county, also at Powell's steam mill, in said county:

At Uriah Cumbo, in the county of Henry:

At the house of John Davis, in the county of Cherokee; also at the house of Harrison Hamilton, in said county:

At the house of Thomas C. Dunlap, in the county of Coosa, and another at the house of Elzy Brown, in said county:

At Harrel's Cross Roads, in the county of Dallas:

At Oak Grove School house, in the county of Perry:

At the house of Joel Dumas, in the county of Wilcox:

At William Payne's (Sandy Ridge) in Lowndes county:

At the house of Edward P. Gaines, and another at Jesse Tyries, in Walker county:

At the house of Jonathan Burns, and another at the house of	Blount.
Jonathan Fuller, in Blount county:	
At the house of Jesse Upton, in Marshall county:	Marshall.
At the house of Jack Dowdy, in Tuscaloosa county:	Tuscaloosa.
At David Keeners, in De Kalb county, and at Howard Owens' in the same county:	DeKalb.
At the house of Signal M. Smith, in Coosa county:	Coosa.
At Fullerville, in Barbour county:	Barbour.
At the house of James Boley, and another at John Gallaway's in the county of Tallapoosa; also, at the house of Samuel G. Adams in the said county.	Tallapoosa.
At Forkland, in Greene county:	Greene.
One at Edwin Goodson's, and one at David Morris' in Pike county:	Pike.
One at Pessnalls' Mills, in Benton county:	Benton.
One at John E. Grimes' in Bibb county:	Bibb.
At the house of Jesse Bryans, in the county of Covington:	Covington.
At the house of Thomas Barton, in Jefferson county, at the open pond:	Jefferson.
At the house of Henry K. Scott; and another at John B. Williams, in the county of Henry:	Henry.
At Hill's Store. in Wilcox county:	Wilcox.
At John K. Reeds, and at John Tharps, in the county of Franklin:	Franklin.
At the house of Seaborne Palmer, at John Harbones, and another at the house of Duncan McGrogan, in Cherokee county:	Cherokee.
At Alabama Port, in Mobile county. At a place to be designated by the Sheriff of Mobile county, in his advertisement for holding the annual election.	Mobile.
Sec. 2. <i>And be it further enacted</i> , That the Election Precincts heretofore established at the following places, be, and the same are hereby abolished, viz:	Abolished.
At Robert Bales, in Franklin county:	Franklin.
At Jamestown, in Sumter county:	Sumter.
Honeycut precinct, in Macon county:	Macon.
At John Mattherson's, in the county of Henry:	Henry.
At the house of Elias Haskinson, in the county of Cherokee:	Cherokee.
At James A. Walls, in the county of Coosa; the precinct heretofore held at the house of James Goggins in said county, and also, at Samuel Walls', called Harquin, in said county, and Enon precinct, in Macon county:	Coosa. Macon.
At Laban Roscoe's, in Dallas county:	Dallas.
At Johnson's store, in the county of Perry:	Perry.
At the Store-house of George S. Rauls, in the county of Wilcox:	Wilcox.
At Hickory Grove, and another at Pierces' Hill, in Lowndes county:	Lowndes.
At John Blankenship's, in Wilcox county:	Wilcox.
At the house of John Benson, in the county of Marshall:	Marshall.

Tuscaloosa.	At Carraway's precinct, in Tuscaloosa county:
Blount.	And at Abram Stouts, in Blount county:
Tallapoosa.	At the house of James L. Burney, and at the house of John Anderson, in the county of Tallapoosa:
Autauga.	At the house of Wiley W. Coggins, in Autauga county:
Jackson.	At Scraper, in the county of Jackson:
Coosa.	At the house of Littleberry Clarke, in the county of Coosa:
Barbour.	At Rawls' in Barbour county:
Pike.	At Lewis Fowler's, in Pike county:
Bibb.	At John Caffey's, in Bibb county:
Henry.	At Franklin, at Hayneys' store, and at the house of Elias Miller, in the county of Henry:
Jefferson.	At Powell's and Dabney Cooper's, in the county of Jefferson:
Covington.	At the house of B. Caulley's in the county of Covington:
Wilcox.	At Snow Hill, in Wilcox county:
Franklin.	At Robert Bates', and at New Boston, in Franklin county:
Cherokee.	At the house of John Davis on Hurricane creek, in Cherokee county.

Sec. 3. *And be it further enacted*, That the election precinct heretofore established at Sheffield's mill, in the county of Wilcox, be, and the same is hereby removed to the house of Silas C. Dumas in said county; and the precinct at St. Helena, in Madison county, is hereby discontinued.

Approved, 15th February, 1843.

[No. 20.]

AN ACT

To receive, print, bind, and distribute, the New Digest, compiled by C. C. Clay, Esq. and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Digest of the statute laws of this State, made by C. C. Clay, be and the same is hereby received.

Sec. 2. *And be it further enacted*, That the Governor of the State is hereby required to receive proposals until the first day of March next, for the printing and binding of said Digest, except the Military Code, at the expiration of which time, he shall make a contract with some suitable person, to print, bind, and deliver the same, provided he be the lowest bidder, and good security be tendered for the faithful performance of said work; and the Governor, on the making such contract, shall take from the person with whom the same shall be made, a bond with sufficient security, for such sum as may be agreed upon, payable to the Governor and his successors in office, conditioned for the faithful printing, binding and delivery of said Digest, in the manner, at the time agreed upon; and after the delivery of said Digest, the Governor is hereby authorized to draw his warrant upon the Comptroller for the amount that shall have been agreed

to be paid for the same, in favor of the person with whom the contract was made, if he shall be satisfied with the execution of the work.

Sec. 3. *And be it further enacted*, That the said Clement C. Clay be, and he is hereby authorized to superintend the printing of the said Digest, to examine the proof sheets, and see that the work be correctly printed, according to the arrangement and plan of the digester, and he is hereby appointed and required to make a complete index to the said Digest; and shall digest all the acts of a public and general nature of the present session of the Legislature, according to the plan of the New Digest, and cause them to be inserted under appropriate heads, and in case of the death of the said Clement C. Clay, or his inability or refusal to act, the Governor of the State is hereby required to appoint some suitable person to perform the duties above required.

Printing to be
superintend-
ed.

Sec. 4. *And be it further enacted*, That there shall be printed and bound, three thousand copies of the Digest of the Laws of the State; which when completed, shall be disposed of and distributed in the following manner, to wit: after reserving fifty copies in the office of the Secretary of State, for the use of the members of the General Assembly, to the Secretary of State of the United States, four copies; to the Executive of each of the States of the Union, one copy; to the Governor of this State, the Comptroller, Treasurer, Secretary of State, and each of the Judges of the Supreme, Circuit and County Courts, and each of the Chancellors of this State, one copy; to each of the Clerks of the Circuit and County Courts, and each of the Masters and Registers in Chancery, one copy; to be kept by them for the use of their respective courts, in their respective counties; to the Attorney General, and each of the Solicitors of the State, one copy; to each Justice of the Peace, one copy; who shall receive the same upon application to the Clerk of the County Court in which he resides, and shall execute and deposite with the Clerk aforesaid. his receipt that at the expiration of his term of service, or at the time he shall cease to exercise the duties of his office, he will return the same to the Clerk of the County Court of his County, or his successors in office, which receipt shall be filed in the office of the Clerk of the County Court of said County; the residue of the copies shall be sold at the price of two dollars and fifty cents per copy, in the manner following: there shall be appointed by the Governor in each county in this State, suitable agents to dispose of the same, and each agent shall give bond, payable to the Governor, and his successors in office, to be deposited in the office of the Secretary of State, conditioned to account to the State for all the monies which he may receive for the sale of said books, and pay the same into the State Treasury.

Number of co-
pies, and to
whom distrib-
uted.

Residue to be
sold.

Sec. 5. *And be it further enacted*, That an act to enable the people of the Alabama Territory to form a Constitution, and State Government, and for the admission of such State on an

What else to
be printed.

equal footing with the original States; the Declaration of Independence; the Constitution of the United States, and the State of Alabama, be also printed and bound up in said Digest.

Compensation to C. C. Clay.

Sec. 6. *And be it further enacted*, That the sum of two thousand dollars be, and the same is hereby appropriated to the said Clement C. Clay, for his services in making said Digest, and the Comptroller is hereby required to issue his warrant for the same.

For superintending printing.

Sec. 7. *And be it further enacted*, That the next Legislature shall appropriate a sum of eight hundred and fifty dollars, as compensation to the said Clement C. Clay, for superintending the printing and correcting the proof sheets of said Digest, and for digesting the Laws of the present Session of the Legislature: and so soon as the said work is completed, it shall be the duty of the Secretary of State to cause it to be distributed as the Laws and Journals now are.

Digest distributed.

Approved, 11th January, 1843.

[No. 21.]

AN ACT

To compel Commissioners of Sixteenth Sections to pay over Funds received by them, and for other purposes.

Duty of commissioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That in all cases where commissioners of sixteenth sections have failed to establish schools in their respective townships, as now required by law, it shall be their duty and they are hereby required to pay over all such interest as may have accrued, or may hereafter accrue, until such schools shall be so established to the children of their township, who have actually attended any other school in said township, in the same manner and under the same rules as are now provided for by law, for children going to established schools under their direction.

Commissioners failing to pay over money.

Sec. 2. *And be it further enacted*, That when any commissioner or commissioners shall have drawn from bank any funds belonging to their respective townships, and have failed, or shall hereafter fail to pay over the same as directed by law, with the legal interest thereon, from the time the same was received, on motion of any legal voter of the township where the funds have, or may hereafter be withheld, in the regular Orphan's Court of his county, it shall be the duty of the Judge to issue a citation forthwith requiring said commissioner or commissioners to appear instantler, and show cause why judgment should not be entered against him or them and their securities, for said default.

Judge County Court to hear and determine.

Sec. 3. *And be it further enacted*, That upon the return of said citation, the Judge of said court shall proceed to hear and determine the same, and give judgment as the equity of the case may appear.

Sec. 4. *And be it further enacted*, That should the Judge ^{Give judg-} be of opinion that the commissioner or commissioners have fail-^{ment.} ed or refused to comply with the law, he shall proceed to give judgment against the same, and his or their securities, with twenty per cent., as damages: *Provided*, either party shall have ^{Proviso.} the right of appeal to the Circuit Court, in accordance with the law, now regulating appeals.

Approved, 13th February, 1843.

[No. 22.]

AN ACT

Authorizing proceedings at the instance of the State of Alabama, against the owners of Turnpike Roads, in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter it shall be the duty of the several Solicitors ^{Duty of Soli-} in this State, in whose circuit any Turnpike road may be ^{citors.} located, to issue a *scire facias* at the instance of, and on behalf of the State, against any owner of said road, whenever the provisions of any law creating such franchise shall have been so violated as to forfeit the same, by mis-user or non-user, or when the said owner shall have done or omitted any act or acts, which amount to a surrender of the rights, privileges and franchises conferred by the act authorizing the same.

Sec. 2. *And be it further enacted*, That the *scire facias* au- ^{Scire facias} thorized by the first section of this act, shall be executed on the ^{may be exe-} said owner in any county of this State, by the sheriff of any ^{cuted.} county where he may be found, and the question of forfeiture ^{Question of} shall be tried by jury, and the judgment of the court, where the ^{forfeiture to} issue is found for the State, in addition to the costs, shall be, ^{be tried by a} that the franchise be forfeited. ^{jury.}

Approved, 6th February, 1843.

[No. 23.]

AN ACT

Amendatory of the Laws on the subject of Divorces.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That in all marriages which have, or may hereafter take place, if it shall be made to appear to the satisfaction of the court to which application may be made for divorce, by the husband, that the wife previous to, or at the time of marriage, was pregnant, and that her husband had no agency in, nor was at the time of marriage cognizant of such pregnancy, it shall be adjudged sufficient cause for divorce from the bonds of matrimony, any law, usage or custom to the contrary notwithstanding.

Approved, 13th February, 1843.

[No. 24.]

AN ACT

To secure the performance of the duties of Public Ferry-men.

Liability.

Penalty.

Provisos.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That if any owner or keeper of a public ferry, shall keep or use insufficient or unsafe boats, or shall suffer the banks of the river or creek, to remain for the space of five days at any one time in bad order, he or she shall be liable to indictment in the Circuit Court of the proper County, and an conviction, shall be fined not less than twenty, nor exceeding one hundred dollars, at the discretion of the jury trying the case: *Provided,* that in all cases, proof of high water shall be received in evidence, in excuse or mitigation of the offence: *And provided further,* that nothing in this act shall be construed to impair any right of action for damages which may arise.

Approved, 2d February, 1843.

[No. 25.]

AN ACT

To amend an Act, entitled "An act to authorize Guardians of Minors, Idiots and Lunatics, to receive and remove from the State, any property to which such Ward may be entitled, when both Guardian and Ward reside out of the State, or to remove the same from one county to another in this State," &c. Approved, February 2d, 1839.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That when any guardian desires to remove the property or estate of his ward, from one county to another in this State, and continue to be the guardian of such ward, he or she shall be permitted to make such removal of the property or estate of the ward, according to the provisions of the act, to which this is an amendment; *Provided,* that the thirty days notice in said act mentioned, shall not in such case be necessary.

Approved, 13th February, 1843.

[No. 26.]

AN ACT

Better to secure rents.

Crop bound
for rent.Process of at-
tachment al-
lowed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the crop grown on any rented land, shall not be removed off of the premises of any such rented land by the tenant or lessee, or any one else, until the tenant or lessee shall first have paid to the landlord or lessor, his agent or attorney, all the rent in arrear.

Sec. 2. *And be it further enacted,* That the landlord or lessor shall have the process of attachment as now provided by law in the collection of debts against the tenant or lessee, in all cases

where the tenant or lessee shall remove or attempt to remove, or be about to remove the crop or any part thereof, off of the premises thus rented, without first having paid the rent in arrear: *Provided*, the landlord or lessor, his agent or attorney, suing Proviso. out attachment, shall make affidavit, that the amount sued for, is due or will be due for rent, and the tenant or lessee has removed, or is about to remove the crop off of the premises, without having paid the rent.

Sec. 3. *And be it further enacted*, That all rents shall be exempt from execution and attachment, until the same may have been paid: *Provided*, that the rents shall be paid within the year that the crop is grown.

Approved, 11th February, 1843.

[No. 27.]

AN ACT

To repeal in part an act in relation to Sixteenth Sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the proviso of the above recited act, so far as it relates to the county of Autauga be and the same is hereby repealed.

Approved, 13th February, 1843.

[No. 28.]

AN ACT

To fix, regulate, and reduce the fees and salaries of certain officers therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller shall receive one thousand dollars, and the Treasurer one thousand dollars.

Approved, 13th February, 1843.

[No. 29.]

AN ACT

In relation to compensation of Bank Attorneys.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Bank Attorneys for the State Bank, and for the several Branch Banks in this State, shall hereafter receive as compensation for their services, a tax fee upon all judgments Tax fees regulated. which they may obtain in favor of their respective Banks, as follows, to wit: Upon all judgments under five hundred dollars, they shall receive a tax fee of four dollars; upon all judgments over five hundred and under one thousand dollars, six dollars; and upon all judgments over one thousand dollars, seven dollars; which fees shall be taxed in the bill of costs, and collected and paid over as other costs.

To be received in lieu of a salary.

Sec. 2. *And be it further enacted,* That the tax fees authorized in this act shall be in lieu of the salaries heretofore allowed to the Bank Attornies, and the said Bank Attornies shall receive no other compensation whatever for their services, than the fees provided for in the first section of this act: *Provided,* That said fee in no case be paid by the Bank, though the defendant be insolvent.

Requisitions of Bank Attorneys.

Sec. 3. *And be it further enacted,* That the Attorney of the Bank shall be required to obtain a certificate of the Judges of the several Courts, which are held in the county in which the Bank is located, that he has performed his duty as attorney in the litigated cases pending in the said Courts, to which the Bank is a party, and in case he fails to procure this certificate, he shall not be entitled to receive the fees specified in the first section, to a greater amount than the sum of one thousand dollars, and all the fees beyond that sum shall be collected for the Bank: *Provided,* That if the tax fees therein specified shall not amount to the sum of one thousand dollars on solvent defendants, an allowance shall be made to the Bank Attorney, so that his compensation shall not be less than one thousand dollars.

Proviso.

Approved, 14th February, 1843.

[No. 30.]

AN ACT

To impose additional duties on the Secretary of State and Clerks of the County Courts, and for other purpose.

Duty of Secretary of State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the Secretary of State, and the different Clerks of the county courts of this State to inform the Solicitors of the different circuits, from time to time of the different officers, who have failed or may hereafter fail to give and file their bonds in their respective offices, as now required by law.

Duty of Solicitors.

Sec. 2. *And be it further enacted,* That it shall be the duty of the several Solicitors, on receiving information of such delinquency whether directly from the officers aforesaid or otherwise, to file information in the nature of a *quo warranto* against such officers, so failing to give bond and shall prosecute the same to judgment.

Liability of Secretary of State and Clerks.

Sec. 3. *And be it further enacted,* That if the Secretary of State or either of the Clerks aforesaid, shall fail to comply with the provisions of this act, he or they shall be liable to indictment, and on conviction, shall be fined in a sum not less than one hundred dollars for every month that they may so fail to give the information required.

Sec. 4. *And be it further enacted*, That any officer in this State, civil or executive, who shall fail to give and file their bond as now required by law, or any officer aforesaid, who has failed and continues to fill their respective offices, without so giving bond as now required by law, shall be liable to indictment, and on conviction, be fined in a sum not less than five hundred dollars, at the discretion of the jury trying the same.

Liability of officers who fail to give bond.

Sec. 5. *And be it further enacted*, That it shall be the duty of the several circuit Judges from time to time to give this act in charge to the different grand juries in this State.

Duty of Circuit Judges.

Approved, January, 27th 1843.

[No. 31.]

AN ACT

Concerning Trustees.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when any Trustee shall desire to resign his or her trust, in the manner now prescribed by law, and any person interested in the trust estate, shall reside beyond the limits of this State, on affidavit being made of the fact, it shall be the duty of the Register in Chancery of the proper Chancery District, to cause publication to be made in some newspaper printed in the State for three months, stating the time and place where the application will be made and determined.

Vacancies how filled.

Sec. 2. *And be it further enacted*, That when any Trustee shall die, on the application of any person interested in the trust estate, to the Register in Chancery of the proper Chancery District, it shall be his duty to appoint one or more Trustees in the stead of such deceased Trustee, as in the case of the resignation of Trustees: *Provided*, That the notice prescribed by law shall in all cases be given.

Register in Chancery may appoint.

Proviso.

Approved, 13th February, 1843.

[No. 32.]

AN ACT

To change the time of holding the Chancery Courts for the first District of the Southern Chancery Division.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Chancery Courts for the first District of the Southern Division shall be held in the city of Mobile on the first Monday in April in each and every year, and may continue in session three weeks if necessary, any law to the contrary notwithstanding.

Approved, 6th February, 1843.

[No. 33.]

AN ACT

Amendatory of an act entitled an act for the better regulation of the State Printing and altering the mode of paying for the same.

Price of State
printing reduced
20 pr. ct.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the State Printer shall receive for every description of type, printing, or work of any kind done for the public as printer for the State, twenty per centum less than the prices set forth and established in the first section of an act entitled an act for the better regulation of the State Printing, and altering the mode of paying for the same, approved, February 4th, 1840.

Sec. 2. *And be it further enacted,* That the Secretary of State shall divide the State into four districts, and that he is authorized to employ one agent for the purpose of distributing the acts and journals of the State of Alabama in each district.

Approved, 14th February, 1843.

[No. 34.]

AN ACT

To alter the laws now in force relating to the change of venue.

Change of
venue may be
had.

Provisos.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter a change of venue may be had on good cause shown at any time before the final trial: *Provided,* That the venue shall not be changed more than once in any cause by the same party: *Provided also,* That when a change of venue shall take place in a cause brought in a County Court, which is hereby allowed, under the rules now provided for as respects causes pending in the Circuit Courts, the same shall be ordered and sent for trial to a Circuit Court in some other county: *Provided,* That when a motion for change of venue shall have been made and overruled, a change shall not be allowed at any subsequent term.

Approved, 14th February, 1843.

[No. 35.]

AN ACT

To reduce the number of Company Musters required by law to be holden, and prescribe the manner of holding Company Courts Martial.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That only two company musters shall hereafter be required to be held in any one year.

Courts Mar-
tial.

Sec. 2. *And be it further enacted,* That company courts martial shall hereafter be holden on the respective days of company musters, for the trial of delinquents at each preceding company muster, any law or usage, heretofore to the contrary notwithstanding.

Approved, 13th February, 1843.

[No. 36.]

AN ACT

To amend the Laws now in force in relation to Insolvent Estates.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That when the estate, both real and personal, of any person deceased, shall be insolvent, or insufficient to pay all just debts which the deceased owed, the said estate, both real and personal, shall be distributed to and among all the creditors, in proportion to the sums to them respectively due and owing, saving that debts due for the last sickness and necessary funeral expenses of the deceased, are to be first paid, and the Executor or Administrator of such estate shall file in the office of the Orphans' court by which he was appointed, an allegation in writing, setting forth that such estate is insolvent, and praying that the said estate may be declared insolvent, and shall at the same time make and attach to such allegation as part thereof, three several schedules, one of which shall contain a full and true statement of all the goods and chattles, and choses in action, and other personal effects then belonging to the said estate, with the estimated value of each; another of which schedules shall contain a full statement of all the real estate of which the decedent was possessed, or in or to which such decedent had any right, title, claim or interest, at the time of his death, with a statement of the local situation of the same, the nature of the decedent's title to or interest in the same, and the estimated value thereof, and the other of which schedules shall contain a statement of all the claims existing against the estate, the nature and amount of each claim, and the names and residence of each creditor of the estate, which allegation, and the schedules thereto attached, shall be verified by the written affidavit of the Executor or Administrator, that the same are true and correct according to the best of his knowledge, information and belief.

Distribution of estate.

What debts first paid.

Exhibit: to be made.

Sec. 2. *And be it further enacted,* That upon such allegation being filed, the Judge or in his absence the Clerk of the said court, shall, by order, appoint a day not less than thirty nor more than sixty days from the filing thereof, to hear and determine the same, and the Clerk shall give notice to the creditors of the estate, of the filing of such allegation, and the day appointed to hear and determine the same, by publishing such notice in some newspaper published in or nearest to the court house, and by putting up at the court house door a copy of such notice, for such time as may be ordered, and by issuing similar notices, to be served on such creditors as reside in the county, as other notices are served, and also by sending similar notices by mail, to creditors residing out of the county: *Provided, nevertheless,* That the hearing and determining of such allegation shall not be delayed on account of such notices not having been served on any creditor.

Duty of Judge or Clerk upon such allegation being filed.

Right of creditors.

Sec. 3. *And be it further enacted,* That if no opposition shall be made by any creditor, the said estate shall be declared insolvent, but any creditor or creditors may, by answer in writing, deny that such estate is insolvent, and thereupon an issue shall be made up, under the direction of the court, to try whether the estate is or is not insolvent, which issue shall, if either party shall desire it, be tried by a jury at such time as the court may direct; and if such issue be decided against the Executor or Administrator, the allegation shall be dismissed, and he shall pay all the cost; and if the issue be decided against the creditor or creditors, the estate shall be declared insolvent, and the cost shall be paid either by the contesting creditor or creditors, or out of the funds of the estate, as the court in its discretion may direct; *Provided*, that whenever any such issue has been made up, any one or more creditors, though not joining in making up such issue, may at any time before a trial thereof, on motion, be admitted to join in the same; but no more than one such issue shall be allowed to be made up by any creditor or creditors.

Proviso.

When declared insolvent.

Sec. 4. *And be it further enacted,* That whenever any estate shall be so declared insolvent, the court shall at the same time, make an order that the Executor or Administrator shall, on some day to be appointed in such order, not less than thirty nor more than sixty days therefrom, make a settlement of his accounts, and that notice be given to the creditors of the estate to attend the court on that day, which notice shall be given in the manner prescribed in the second section of this act.

Appointment of administrator de bonis non.

Sec. 5. *And be it further enacted,* That on the day appointed for the attendance of the creditors of the estate, such creditors shall hold a meeting in the presence and under the direction of the court, and may elect and nominate to the court, any suitable person being a resident citizen of this State, as Administrator *de bonis non* of such estate; and upon such person taking the oath, and entering into bond with good security, in the manner now provided by law, the court shall grant to him letters of Administration *de bonis non* on such estate; and making such election and nomination, each person shall personally or by his agent or attorney be entitled to give a number of votes proportioned to the amount of his claim against the estate, according to the following scale of voting, that is to say, each creditor having claims not exceeding one thousand dollars, shall be entitled to one vote for every hundred dollars of the amount of such claim; and each creditor having claims exceeding one thousand dollars in amount, shall be entitled to ten votes for the first thousand dollars, and one additional vote for every five hundred dollars over and above the first thousand dollars; but every creditor, however small the amount of his claim, shall be entitled to at least one vote, and no creditor, however large the amount of his claims, shall be entitled to more than twenty votes; and in making such election and nomination, the person having a plurality of votes given, shall be elected and nominated.

Sec. 6. *And be it further enacted*, That any such meeting of creditors may, with the assent of the court, be continued or adjourned from time to time, until such election or nomination be made; and whenever a vacancy shall occur in the office of such Administrator *de bonis non*, by his death, removal from the State, removal from office, or any other cause, before a final settlement of the estate, the court, on motion of any creditor of the estate, shall order another meeting of the creditors to fill such vacancy, in the manner hereinbefore directed.

Adjourned
meetings of
creditors.

Sec. 7. *And be it further enacted*, That if none of the creditors of such estate shall attend at the time appointed, or if from any other cause no election, nomination and appointment of an Administrator *de bonis non* of such estate be made as herein provided, the Judge of the court may, in his discretion, continue the former Executor or Administrator in office, or may appoint the general Administrator of the county, or, if there be no such general Administrator, the Sheriff of the county to be Administrator *de bonis non* of such estate, and in either case the estate shall be managed thereafter as an insolvent estate, according to the provisions of this act.

When Judge
may appoint.

Sec. 8. *And be it further enacted*, That whenever any Administrator *de bonis non*, shall be appointed according to the provisions of this act, any former grant of letters testamentary or of administration of the said estate shall be thereby revoked; and all the goods, chattles, monies, choses in action, and other personal effects, belonging to the said estate, shall be thereby vested in such Administrator *de bonis non*, and he shall be entitled to demand and receive from the former Executor or Administrator, all monies found due and owing from him to the estate, and all such goods, chattles, choses in action, and other personal effects, and deeds and other evidences of title to real estate, and may recover the same by any proper proceedings or actions either in the Orphans' court, or any court of common law or equity, against such former Executor or Administrator and his securities.

Powers of ad-
ministrator *de*
bonis non.

Sec. 9. *And be it further enacted*, That every person having any claim against such insolvent estate, shall file the same in the Clerk's office of the said court, within six months after such estate is declared insolvent, and every such claim shall be verified by the affidavit of the claimant, and the Clerk shall give a receipt therefor to the claimant, his agent or attorney, and shall endorse on such claim the day on which the same was filed, and shall keep a docket or list of all such claims, which shall at all times be subject to the inspection of the Administrator and creditors of the estate, and if no opposition shall be made to the allowance of such claim, in the manner hereinafter provided, within nine months after the time when the said estate was declared insolvent, such claim shall be admitted and allowed as a good and valid claim against the said estate without further proof.

Claimants
shall file their
claims with
clerk in six
months.

Objections to the allowance of claims, how presented and tried.

Sec. 10. *And be it further enacted,* That at any time within nine months after such estate shall be declared insolvent, the Administrator or any creditor or creditors of the said estate, in the name of the Administrator, may object to the allowance of any claim filed against the estate, by filing in the Clerk's office such objection in writing, and thereupon the court shall cause an issue to be made up between such claimant as plaintiff, and the Administrator, or the contesting creditor in the name of the Administrator as defendant, by pleading thereon in the same manner as if the claimant had sued the Administrator thereon at common law, and such issue shall be tried as at common law, and if the issue be found against the claimant, his claim shall be adjudged to be rejected, and he shall pay all costs of such issue and trial, and if such issue be found for the claimant for the whole amount of his claim, the same shall be adjudged to be allowed, and he shall recover all his costs, to be paid by the contesting creditor, or out of the funds of the estate, as the court may direct; and if a part only of such claim be found due to such claimant, his claim shall be adjudged to be allowed to the amount so found due, and in that case the court may in its discretion, direct the costs to be paid by either party, or what portion of the costs shall be paid by each.

Settlement by executor or administrator

Sec. 11. *And be it further enacted,* That every executor or administrator of an insolvent estate, shall make a settlement of his accounts as such, at such time (not less than nine nor more than twelve months) from the time such estate shall be declared insolvent, as the court may appoint; and at such settlement, the court shall adjudge and decree to each creditor whose claim shall have been allowed as herein provided, his rateable portion of all moneys then found due from said executor or administrator, reserving, nevertheless, in the hands of such executor or administrator, a rateable portion of such moneys for such claims as may be then contested and undivided; and a similar settlement and rateable distribution shall be made at least every six months thereafter, at such times as the court may appoint, until the estate shall be finally settled and distributed.

Abatement of suit against an executor or administrator.

Sec. 12. *And be it further enacted,* That no suit now pending, or which may hereafter be brought or revived, against any executor or administrator, shall be abated, on any plea or suggestion that such estate has been reported or declared insolvent, since the commencement of such suit; but after such estate shall have been declared insolvent, in the manner herein provided, that fact may be specially pleaded by the executor or administrator, without thereby waiving or abandoning any plea by him previously pleaded, and the suit shall be tried on all the issues that may be joined in the case; and if the issues joined in all the other pleas, except the special plea of insolvency, be found for the plaintiff, and the issue joined in that special plea shall be found for the defendant, the court shall render judgment that the plaintiff is

entitled to the sum of money found due him, but that it appears that the estate has been duly declared insolvent, no execution shall be issued therefor, and that the judgment shall be certified to the proper Orphans' Court; and upon a duly certified transcript of such judgment being filed as a claim against the estate, as herein provided, the plaintiff shall be allowed, as a creditor of the estate, his rateable portion on the amount of such judgment, and the costs of such suit.

Sec. 13. *And be it further enacted*, That on the trial of any issue directed to be made up and tried under this act, if either party shall be dissatisfied with any decision or charge of the judge trying the same, such party may except to such decision or charge, and tender his bill of exceptions, as in trials of suits at common law, and may within twelve months thereafter appeal from, or sue out a writ of error to such judgment, as in suits at common law. Right of appeal.

Sec. 14. *And be it further enacted*, That after any estate shall have been declared insolvent, it shall not be necessary that claims against such estate shall be presented to the executor or administrator, but may be filed with the clerk, without any such presentment: *Provided*, such claims are not already barred by the statute of non-claims.

Sec. 15. *And be it further enacted*, That all laws and parts of laws, coming within the purview of this act, be, and the same are hereby repealed. Repeal.

Approved, February 9th, 1843.

[No. 37.]

AN ACT

To regulate the Branch of the Bank of the State of Alabama at Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the powers heretofore vested in the President and Directors of the Branch of the Bank of the State of Alabama at Montgomery, to deal in Bills of Exchange, to discount notes and to receive money on deposit, be and the same are hereby revoked, and the said Bank shall hereafter be continued in operation solely for the security and collection of its debts, and the full settlement and liquidation of its affairs. Revocation of powers.

Sec. 2. *And be it further enacted*, That the powers heretofore conferred upon the President and Directors to renew notes and make settlements are continued: *Provided*, that the President and Directors shall not have power to take real or personal estate in settlement or payment of any debt, nor shall any chose in action be taken in renewal, whereby any party to the debt is discharged, but the same shall be held as collateral security merely, and no proposition for renewal or settlement shall be operative without the concurrence of the President and all of the Directors. Certain powers continued
Proviso.

Sec. 3. *And be it further enacted*, That the said Directors shall receive the per diem compensation now prescribed by law: *Provided*, the same shall not exceed the sum of thirteen hundred dollars, and the President and Directors shall have no power to make any allowance or appropriation for their own benefit, nor shall they receive for extra service any sum, without the sanction of the General Assembly be first obtained, and any vacancy that may occur in the board of President and Directors during the recess of the General Assembly, shall be filled by the appointment of the Governor, and it shall be the duty of the Cashier to notify the Governor that a vacancy has occurred within five days after the same has happened.

Compensation.

Restriction.

How nominated and elected.

Number of Directors.

Sec. 4. *And be it further enacted*, That the said Directors shall be elected by a joint vote of both Houses of the General Assembly, from seven persons to be nominated to them by the Governor, for the ensuing year after the passage of this act, and hereafter at the commencement of each session of the General Assembly, and the number of the said Directors shall be reduced to three persons.

Bond.

Sec. 5. *And be it further enacted*, That the President and Directors shall each give bond to the Bank in the sum of twenty thousand dollars, with two or more sufficient securities for the faithful performance of the duties of their office, that the said bond shall be taken by the Judge of the County Court of Montgomery county, and after being recorded in the office of the Clerk of that court, shall be forwarded by him to the Secretary of State, and a certified copy of the bond or record shall be evidence in the place of the original.

Bills receivable in payment of debts due Banks.

Sec. 6. *And be it further enacted*, That the bills of the said Branch Bank shall be receivable as heretofore in the payment of all debts now due, or which may be running to maturity, and the future renewals and extensions of the same in the Bank of the State of Alabama, and either Branch thereof, and when the bills of the Branch Bank aforesaid shall be so taken, they shall not reissued, but the Bank or Branch Bank taking them shall be entitled to re-payment out of the assets of the said Branch Bank at Montgomery after the payments of the debts due its bill holders and depositors.

Officers of the Bank.

Compensation.

Sec. 7. *And be it further enacted*, That after the first day of March next, the officers of the said Bank shall consist of a Cashier and two Clerks, that the salary of the Cashier shall be fifteen hundred dollars per annum, and the two Clerks shall have one thousand dollars each per annum.

Real estate pledged and vested.

Sec. 8. *And be it further enacted*, That the real estate now held, or which may be acquired by the said Branch Bank in settlement of any debt, is hereby pledged for the payment of the debts of the Bank in equal proportions, and are hereby vested in the President and Directors of the same for that purpose.

Sec. 9. *And be it further enacted*, That two Commissioners shall be appointed by the Governor, (who do not reside in the vicinity of said real estate,) whose duty it shall be to examine, and value the same upon oath, in suitable tracts or parcels, for the purpose of selling the same, which valuation with a description of said tracts or parcels shall, by them, be returned to the Secretary of State to be filed in his office; upon the reception of which, it shall be the duty of the Governor (at such times and places as he, with the advice of said President and Directors shall deem advisable,) upon giving ninety days public notice of the time and place, in some newspaper published nearest the location of the real estate to be sold, to offer said lands, lots, or real estate for sale in such parcels, tracts, or lots to the highest bidder at public out cry, one fourth for cash and the residue in one, two, and three equal annual instalments, with six per centum per annum interest thereon, payable in the notes of the Bank of the State of Alabama, or any of its Branches.

How valued
and sold.

Sec. 10. *And be it further enacted*, That three-fourths of the value so fixed upon the said lots, tracts, or parcels shall be the minimum price, at which it shall be set up, which if not sold, the same shall be withdrawn from sale.

Minimum.

Sec. 11. *And be it further enacted*, That it shall be the duty of the said President and Directors, or their authorized agents, conducting said sale to take the notes of such purchaser or purchasers of any of said tracts, parcels, or lots so sold, for the residue of the purchase money and interest, as hereinbefore provided for, and to give him, her, or them, a certificate of purchase, specifying the lot, parcel, or tract, so purchased, and price, and shall also return the purchase money and notes so received to said Branch Bank, and take the receipt of the Cashier therefor, and return said receipt to the office of the Secretary of State, and upon full payment being made for any purchase the President and Directors of said Branch Bank shall make title to the purchaser or purchasers, their heirs, or assigns, for the tract so paid out in full; and if any of said notes are not punctually paid, the Governor shall be authorized to declare the contract forfeited, to dispossess the purchaser, and resell the premises as if no sale had been made, nor shall any part of the money paid be refunded to the purchaser, whenever the Governor shall declare a contract to have been forfeited: *Provided*, that the said commissioners shall be allowed a compensation not exceeding three dollars per day for the time so engaged, to be paid them by the Cashier of the said Branch Bank, upon their account rendered on oath, of the time occupied by them in valuing said lands.

Purchaser to
give notes.
&c.

Title.

Failure of
payment to
operate as a
forfeiture.

Proviso.

Sec. 12. *And be it further enacted*, That the debtors of the said Branch Bank shall have the right at any time, to pay the debts due the same in the bills of the said Branch Bank, and

Bank to re-
ceive their
notes in pay-
ment of debts.

no process or proceeding by any creditor shall have the effect to defeat this right of the debtor.

Agents may
be employed.
Proviso.

Sec. 13. *And be it further enacted*, That the President and Directors may employ extra agents to transact special business for the same: *Provided*, that the said President and Directors shall make the contract for compensation before the service is rendered, or if no contract is so made, the rate of compensation shall be fixed by the concurring vote of the President and all of the Directors, and shall before payment, receive the sanction of the General Assembly.

Bills of
Branch Bank
to be destroy-
ed.

Sec. 14. *And be it further enacted*, That the State Bank shall receive the bills of the Branch Bank, with the words cancelled written across the face of the same, after they shall have been registered by the Branch Bank in a book, to be kept for that purpose; also the blank impressions of the bills and plates that are now in possession of the said Bank, after allowing a sufficient sum for the payment of the current liabilities of the same, and allowing the sum of forty thousand dollars, to be retained for the payment of contingent and other expenses, which bills and blank impressions, after being registered shall be destroyed by the President and Directors of the Bank of the State of Alabama, in the presence of the Governor and Secretary of State, and the amount destroyed from time to time, shall be published in one or more papers in the vicinity of the Bank.

Banks to have
quarterly set-
tlements.

Sec. 15. *And be it further enacted*, That the Bank of the State of Alabama and the Branches thereof, shall have quarterly settlements with the Branch Bank at Montgomery, and the bills of the said Branch Bank, held by the Bank of the State of Alabama and its Branches, on all such settlements shall be delivered, marked cancelled, by writing across the face of the same the word "cancelled," to the President and Directors of the Branch Bank at Montgomery, who shall forward the same to the President and Directors of the Bank of the State of Alabama, to be registered and destroyed as is provided in the preceding section.

Resumption
of State B'k.

Sec. 16. *And be it further enacted*, That when the State Bank or such of the Branches as may not be placed in liquidation at the present session of the General Assembly, resume specie payments upon all their issues, they shall in like manner redeem the notes of the Branch Bank at Montgomery.

Personal prop-
erty of Bank
to be sold.

Sec. 17. *And be it further enacted*, That the President and Directors shall during the year one thousand eight hundred and forty-three, proceed to sell to the highest bidder for cash, all the personal property held by said Branch Bank, (except the furniture belonging to the Banking House,) after having given thirty days notice of the time and place of any such sale in one or more newspapers published in the city of Montgomery, and in one paper published nearest the place of sale: *Provided however*, no sale shall take place until the

President and Directors shall have obtained the assent of the Governor thereto: *And provided further*, that at such sale, neither the President nor Directors shall become directly or indirectly purchasers of any such property, except it be for the State of Alabama. Proviso.

Sec. 18. *And be it further enacted*, That nothing in this act shall be construed to prevent the said Bank from paying the interest on the sixteenth section fund deposited with the Bank, in the same manner as if this act had not been passed, and that nothing in this act shall be construed to prevent the loan of the funds that may be paid during the year, on account of the sixteenth section fund in pursuance of the laws heretofore made on this subject. In relation to 16th section funds.

Approved, 25th January, 1843.

[No. 38.]

AN ACT

To amend an Act entitled an Act regulating punishments under the Penitentiary System.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the eighteenth section of the fourth chapter of the act named in the title hereof, be and the same is hereby repealed.

Sec. 2. *And be it further enacted*, That every person who shall inveigle, steal, carry, or entice away, as aforesaid, any such slave, with a view to convert such slave to his own use, or the use of any other person, or to enable such slave to reach some other State or country, where such slave may enjoy freedom, such person shall, on conviction, be punished by confinement in the penitentiary not less than ten years.

Approved, 11th February, 1843.

[No. 39.]

AN ACT

To authorize the Signing and Sealing of Bills of Exceptions, in Criminal Cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall and may be lawful for the Judges of the Circuit Courts of this State, to sign and seal bills of exceptions on the part of defendant or defendants, in criminal cases, whether capital or not, in the same manner, and under the same liabilities, provided in civil cases: *Provided*, that this statute shall not be considered as applicable to cases of offences not punishable by death or imprisonment in the penitentiary.

Approved, 14th February, 1843.

[No. 40.]

AN ACT

Regulating the salaries of certain officers, therein named.

Governor.

Judges.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of this State, the Judges of the Supreme Court, the Judges of the Circuit Courts and Chancellors hereafter to be elected, shall receive as compensation for their services annually, the following salaries respectively, to wit: The Governor shall be entitled to receive twenty-five hundred dollars; the salaries of the Judges of the Supreme Court shall be two thousand two hundred and fifty dollars for each of them, and the Judges of that Court shall perform all the duties heretofore attached to the office of reporter; the Judges of the Circuit Courts and Chancellors shall each be entitled to receive fifteen hundred dollars and no more, which shall be paid quarterly as heretofore.

Approved, 29th December, 1842.

[No. 41.]

AN ACT

Regulating the issuing of Patents for Sixteenth Section Lands.

Acknowledg-
ment of certi-
ficate of pur-
chase dispen-
sed with.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in all cases where sixteenth section lands have heretofore been sold, or may hereafter be sold, in pursuance of law, and the purchaser or purchasers of any portion thereof, or the legal holder, shall produce to the Governor of this State, the certificate of purchase of the commissioners of such sixteenth section, together with the certificate of the President and Cashier of the proper Bank, that full payment has been made for the land mentioned in such certificate of purchase, a patent shall issue for the same, and it shall not be necessary for the issuing of said patent, that the certificate of purchase has been acknowledged in open court, or before a Judge or Justice of the Peace.

Sec. 2. *And be it further enacted,* That all laws contrary to the provisions of the foregoing section, be and the same are hereby repealed.

Approved, 7th February, 1843.

[No. 42.]

AN ACT

To repeal in part a certain Act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, that section eight of an act entitled, an act to prevent frauds in elections, approved, January the 3d, 1842, be and the same is hereby repealed.

Approved, 7th February, 1843.

[No. 43.]

AN ACT

In relation to the settlement of the Accounts of Executors, Administrators and Guardians.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That whenever any person to whom letters testamentary, of administration, or of guardianship, shall have been granted by any Orphans' Court of this State, shall have removed beyond the jurisdiction of the court granting said letters, without having settled his accounts as such executor, administrator, or guardian, the Judge of said court, may, upon the application of any person interested, cause notice to be given by advertisement in some newspaper published in this State, requiring said executor, administrator, or guardian to file his accounts and vouchers for settlement, at a regular term of said court, to be holden not less than three months from the date of said notice, and if the said executor, administrator, or guardian shall fail to appear and file his accounts and vouchers for settlement, it shall be the duty of said Judge of said court to state an account against said executor, administrator, or guardian, charging him with such amounts as shall appear upon the best information to have come to his hands as such executor, administrator, or guardian, and proceed to settle and decree upon the same as now required by law: *Provided*, that if said executor, administrator, or guardian shall appear and file his account and vouchers for settlement, and pay such costs as may have accrued in consequence of his default, at any time before the final hearing of the account stated as aforesaid and decree thereon, it shall be the duty of said court to set aside the proceedings aforesaid, and to audit and state the account filed by said executor, administrator or guardian, in manner and form now required by law.

Executor, administrator or guardian removing, required to make settlement.

Power of the court.

Provided.

Sec. 2. *And be it further enacted.* That whenever an executor, administrator, or guardian, residing within this State, who shall have been called to appear and file his account and vouchers for settlement, shall fail to obey such citation, the Judge of the court from which such citation was issued, may proceed to state an account against said executor, administrator, or guardian, charging him with such amounts as shall appear to have come to his hands, and shall cause notice to be given to said executor, administrator, or guardian, that unless he appear at the next term of the Orphans' Court thereafter, and file his account and vouchers for settlement, the account so stated, as aforesaid, will be reported for allowance, and settled as now required by law: *Provided, however*, that if said executor, administrator, or guardian, shall at any time before the final decree upon the account stated as aforesaid, appear and file his account and vouchers for settlement, and shall pay such costs

Proceedings where they fail to obey citation.

as may have accrued, it shall be the duty of the court to set aside the proceedings had in relation to such stated account, and to proceed to settle with said executor, administrator, or guardian according to the laws now in force.

Approved, 13th February, 1843.

[No. 44.]

AN ACT

To regulate the selection of Grand and Petit Jurors.

Number of
grand jurors.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it shall not be lawful to draw and summon, as Grand Jurors, for any term of a Circuit Court, a greater number of persons than fifteen; who shall be drawn, summoned, and compelled to attend, as now required by law, and thirteen of whom shall be sufficient to compose said Jury.

Number of
petit jurors.

Proviso.

Sec. 2. *And be it further enacted*, That it shall not be lawful to draw and summon, as Petit Jurors for any week of the said Circuit Courts, a greater number of persons than twenty-four, who shall be drawn and summoned as now authorized by law: *Provided*, the provisions of this act shall not extend to the counties of Greene, Sumter, Montgomery, Marengo, Perry, Dallas, Dale, or Coffee, in all of which said counties, the law shall remain as heretofore, and the same as to said counties shall not be repealed by this act.

Deficiencies
how supplied.

Sec. 3. *And be it further enacted*, That the deficiency in the number of persons necessary to compose a Grand or Petit Jury, shall be supplied in the manner now authorized by law.

Sec. 4. *And be it further enacted*, That all laws conflicting with the provisions of this act, be and the same are hereby repealed.

Approved, 13th February, 1843.

[No. 45.]

AN ACT

To repeal in part, the Act appropriating Two Hundred Thousand Dollars annually in aid of the Sixteenth Sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all acts and parts of acts which require the said Bank and its Branches to pay any sums in aid of the Sixteenth Sections in this State, be and the same are hereby repealed: *Provided*, that nothing in this act shall be so construed, as to prevent the Banks from paying out all sums upon a proper showing under contracts heretofore made under the act which this bill proposes to repeal.

Approved, 21st January, 1843.

[No. 46.]

AN ACT

Regulating the proof required to sustain an Action at Law in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all actions now pending or hereafter to be commenced by any licensed or graduated physician to recover for professional services, such physician shall not be required to produce any evidence of his license or graduation on the trial of such action, unless required by notice, served two days before such trial, that such proof will be required, in which case it shall only be necessary for such physician to produce a diploma or license, from some legally constituted board of physicians in this State, which said diploma or license shall be taken as *prima facie* evidence of the right of such physician to practice medicine in this State.

Physician not
required to
produce li-
cense, unless
notified.

Sec. 2. *And be it further enacted,* That if on the trial of any such cause, the plaintiff shall produce, or offer to produce, for the purpose of using as evidence, any forged diploma, or license, or a genuine one granted to any other person than the one so offering to use it as evidence, he shall be subject to all the pains and penalties now provided by law, for the crime of forgery.

Penalty for
producing for-
ged diploma.

Sec. 3. *And be it further enacted,* That all laws and parts of laws, contravening the provisions of this act, be and the same are hereby repealed.

Repeal.

Approved, 7th February, 1843.

[No. 47.]

AN ACT

To divide the State of Alabama into Seven Congressional Districts, according to the White population.

Section 1, *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the State be, and is hereby divided into seven Congressional Districts, to wit: The first district shall be composed of the counties of Mobile, Washington, Baldwin, Clarke, Monroe, Conecuh, Butler, Wilcox and Marengo. Second district, of the counties of Covington, Dale, Henry, Coffee, Pike, Barbour, Macon, Montgomery and Russell. The third district, of the counties of Dallas, Lowndes, Autauga, Perry, Bibb, Jefferson, Shelby and Coosa. Fourth district, of the counties of Greene, Sumter, Pickens, Tuscaloosa, Fayette. Fifth district, of the counties of Limestone, Lauderdale, Franklin, Lawrence, Morgan, Marion and Walker. Sixth district, of the counties of Madison, Jackson, Marshall, DeKalb, Blount and St. Clair. The seventh district, of the counties of Cherokee, Benton, Talladega, Randolph, Chambers and Tallapoosa.

1st District.

2nd District.

3d District.

4th District.

5th District.

6th District.

7th District.

Returning of-
ficers.

Sec. 2. *And be it further enacted*, That the Sheriffs of the counties of Clarke, Pike, Bibb, Tuscaloosa, Lawrence, Marshall and Talladega, shall be the returning officers of their respective Congressional Districts; and the Sheriffs of the other counties in their districts, shall make returns to the returning officers above mentioned.

Sec. 3. *And be it further enacted*, That each of the afore-said districts shall be entitled to elect one Representative to the Congress of the United States, who shall be chosen by the persons qualified to vote for the members of the General Assembly of this State.

Sec. 4. *And be it further enacted*, That if at any time, the President of the United States shall issue his proclamation for an extra session of Congress, to be held between the fourth day of March, when the term of service of members of the House of Representatives of the Congress of the United States expires, and the time of holding the general election in this State, the Governor shall cause elections to be held for members of Congress, at an earlier period than the time prescribed by law; giving at least twenty days notice thereof by proclamation, to be published in as many newspapers as he may think proper.

Vacancies
how filled:

Sec. 5. *And be it further enacted*, That whenever any vacancy may occur in any Congressional District in this State, it shall be the duty of the Governor to cause a special election to be held to fill such vacancy; such elections to be held and conducted in all respects, as now provided for by law for conducting general elections.

Sec. 6. *And be it further enacted*, That the elections afore-said shall be in accordance with the existing laws of this State.

Approved, 13th February, 1843.

[No. 48.]

AN ACT

Regulating the appointment of a Brigade Drill Officer in each Brigade.

Drill master
for each bri-
gade rank.

Duty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the several Brigadier Generals in this State, to appoint in their respective Brigades, a Brigade Drill Officer, with the rank and title of Major, whose duty it shall be to attend one day at each Regiment previous to the Regimental Parade, and drill the commissioned officers belonging to said Regiment.

Compensa-
tion.

Section 2. *And be it further enacted*, That such Brigade Drill Officer shall be entitled to receive for his services, three dollars per day, to be paid out of any fines assessed by the regimental courts-martial, in each regiment, and three dollars for every thirty miles he may travel in attending said drills.

Approved, 13th February, 1843.

[No. 49.]

AN ACT

To put in liquidation the Branch of the Bank of the State of Alabama at Huntsville.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the powers heretofore vested in the President and Directors of the Branch of the Bank of the State of Alabama, at Huntsville, to deal in bills of exchange, to discount promissory notes, and to receive money on deposit, be, and the same are hereby revoked; and the said Branch Bank shall only continue in operation for the security and collection of the debts due the said Branch Bank, and for the settlement and liquidation of its affairs. Powers revoked.

Sec. 2. *And be it further enacted,* That the powers heretofore conferred upon the President and Directors of the Branch Bank at Huntsville, to make settlements and renew notes be continued: *Provided,* that no real or personal estate shall be taken in payment or settlement of any debt; and no chose in action shall be taken in settlement or renewal of any debt, unless it shall contain a promise of payment directly to said Branch Bank, or shall consist of negotiable securities, to be negotiated before maturity at the said Branch Bank; and no proposition for renewal or settlement shall be operative without the concurrence of the President and all of the Directors of such Branch Bank; which said chose in action shall only be received as collateral security, in all cases where the original parties are changed. Powers continued.
Proviso.

Sec. 3. *And be it further enacted,* That the number of Directors of the Branch aforesaid, shall be reduced to three persons, who shall be elected by a joint vote of both Houses of the General Assembly, from seven persons to be nominated to them by the Governor, for the ensuing session of the General Assembly; and all vacancies that may occur in the Board of President and Directors, during the recess of the General Assembly, shall be filled by the Governor: and it shall be the duty of the Cashier to notify the Governor of the fact that a vacancy has occurred, within five days after the same has happened. Directors, number and election.
Vacancies how filled.

Sec. 4. *And be it further enacted,* That the said Directors shall receive the same per diem compensation now prescribed by law: *Provided,* the sum allowed to any one Director shall not exceed twelve hundred and fifty dollars; and the said President and Directors shall have no power to make any allowance or appropriation for their own benefit, nor shall they, or either of them, be employed in any extra service on account of the said Branch Bank, of which they or either of them may be President or Director: and no claim for extra allowance by the President and Directors shall have any validity until ratified by the General Assembly. Restriction
Compensation.

Sec. 5. *And be it further enacted,* That the President and Directors shall each give bond to the said Branch Bank in the

Bond.

penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of their office, to which there shall be two or more sufficient securities; that the said bond shall be taken by the Judge of the County Court of the county in which the Branch is situated, and recorded in the office of the Clerk of the County Court of the proper county, and the original shall be filed with the Secretary of State, and a copy of the same, duly certified, shall be admitted as evidence in any Court in place of the original.

Bills to be received.

Sec. 6. *And be it further enacted*, That the bills of the said Branch Bank shall be receivable, as heretofore, in the payment of debts now due, or which are running to maturity, in the Bank of the State of Alabama or either of its Branches, and the future renewals or extensions of said debts; and when any of the bills of the Branch mentioned in this act, shall be taken by the Bank of the State of Alabama or either of its Branches, the same shall not be re-issued, but the said Bank and Branches shall stand as creditors of each other, and be entitled to payment out of the assets, as they may be collected.

Bank officers.**Compensation.**

Sec. 7. *And be it further enacted*, That after the first day of March next, the officers of the Branch Bank at Huntsville shall consist of a Cashier and two Clerks; that the salary of the Cashier shall be fifteen hundred dollars per annum; and the salaries of the Clerks shall not exceed ten hundred dollars, for each one of them, per annum.

Real property of Bank pledged and vested.

Sec. 8. *And be it further enacted*, That the real property now held, or which may be acquired by the said Branch Bank, in settlement of any debt, is hereby pledged for the payment of the debts due by said Branch Bank, and the said lands shall be vested in the President and Directors of the said Branch Bank, and their successors, for that purpose.

Real property to be valued and sold.

Sec. 9. *And be it further enacted*, That two Commissioners shall be appointed by the Governor for the said Branch Bank, (who do not reside within the vicinity of said real estate,) whose duty it shall be to examine and value the same, upon oath, in suitable tracts or parcels, for the purpose of selling the same, which valuation, with a description of said tracts or parcels, shall by them be returned to the Secretary of State, to be filed in his office: upon the reception of which, it shall be the duty of the Governor, (at such times and places as he, with the advice of the proper Board of President and Directors, shall deem advisable,) upon giving ninety days public notice of the time and place, in a newspaper published nearest the location of the real estate to be sold, to offer said lands, lots or real estate for sale, in such parcels, tracts or lots, to the highest bidder, at public outcry, one-fourth for cash, and the residue in one, two and three equal annual instalments, with six per centum per annum interest thereon, payable in the notes of the Bank of the State of Alabama, or any of its Branches.

Sec. 10. *And be it further enacted*, That three-fourths of the value so fixed upon the said lots, tracts or parcels, shall be the minimum price at which the same shall be set up, which, if not sold, shall be withdrawn from sale. Minimum.

Sec. 11. *And be it further enacted*, That it shall be the duty of the said President and Directors, or their authorized agents, conducting said sale, to take the notes of the purchaser or purchasers of any of said tracts, parcels or lots, so sold, for the residue of the purchase money, and interest, as hereinbefore provided for, and to give to him, her or them, a certificate of purchase, certifying the lot, tract or parcel so purchased, and the price of the same; and shall return the purchase money and notes so received to the said Branch Bank, and take the receipt of the Cashier therefor, and return said receipt to the office of the Secretary of State; and upon full payment being made for any purchase, the President and Directors of said Branch Bank shall make title to the purchaser or purchasers, their heirs or assigns, for the tract so paid out in full: and if any of said notes are not punctually paid, the Governor shall be authorized to declare the contract forfeited, to dispossess the purchaser, and resell the premises as if no sale had been made; nor shall any part of the money paid be refunded to the purchaser, whenever the Governor shall declare the contract to have been forfeited. And the said Commissioners shall be allowed a compensation not exceeding three dollars per day, during the time they may be employed as before mentioned, to be paid them by the Cashier of the said Branch Bank, upon their account rendered on oath, of the time occupied by them in valuing said lands. Purchaser to give notes.

Sec. 12. *And be it further enacted*, That the debtors of the said Branch Bank shall have the right to pay any debt due to the same, in the bills of the Bank of the State of Alabama, or either of its Branches, and no process or proceedings against the debtor shall be operative to deprive the debtor of this privilege. Title.

Sec. 13. *And be it further enacted*, That the said Board of President and Directors may employ extra agents to transact special business for the same: *Provided*, that said President and Directors shall make the contract for compensation before the same is undertaken; or if no contract is so made, the rate of compensation shall be fixed by the concurring vote of the President and all the Directors of the Board, and approved by the General Assembly, before payment shall be made. Contract may be forfeited.

Sec. 14. *And be it further enacted*, That the President of the State Bank shall receive the bills of the Branch Bank aforesaid, after they shall be registered in a book to be kept for that purpose, and marked cancelled, by having the word "cancelled" written across the face of said bills. The blank impressions of bills, and the plates that are now in the possession of said Branch Bank, after allowing a sufficient sum for the payment of the current liabilities of the same, and allowing the sum of ——— Rights of debtors.

thousand dollars, to be retained for the payment of contingent and other expenses, which bills and blank impressions shall be destroyed by the President and Directors of the Bank of the State of Alabama, in the presence of the Governor and Secretary of State, who shall cause the same to be published, from time to time, setting forth the amount so destroyed.

Quarterly
settlements.

Sec. 15. *Be it further enacted*, That the said Bank of the State of Alabama, and the said Branch Bank at Huntsville, shall have quarterly settlements with each other; and the bills of said Bank and Branch Bank, held by each, shall be delivered, on such settlement, marked "cancelled," over to the President of the Bank of the State of Alabama, and shall be registered in a book, to be kept for that purpose, and shall be destroyed in the same manner as is provided for in the fourteenth section of this act.

Redemption
of notes.

Sec. 16. *And be it further enacted*, That when the State Bank, or such of the Branches as may not be placed in liquidation, at the present session of the General Assembly, resume specie payments upon all their issues, they shall in like manner redeem the notes of the Branch Bank at Huntsville.

Sale of per-
sonal prop-
erty.

Sec. 17. *And be it further enacted*, That the President and Directors, shall, during the year one thousand eight hundred and forty-three, proceed to sell, to the highest bidder, for cash, all the personal property held by said Branch Bank, (except the furniture belonging to the banking house,) after having given thirty days notice of the time and place of any such sale, in one or more newspapers published in the town of Huntsville, and in one paper published nearest the place of sale: *Provided, however*, no sale shall take place, until the President and Directors shall have obtained the assent of the Governor thereto: *And provided further*, that at such sale, neither the President nor either of the Directors, shall become directly or indirectly, purchasers of any of said property, except it be for the State of Alabama.

Provisos.

Interest on
16th section
funds.

Sec. 18. *And be it further enacted*, That the Branch of the Bank of the State of Alabama, at Huntsville, shall pay the interest on the funds arising from the sixteenth sections that have been paid into the said Bank; and shall have power to lend the money hereafter paid on notes deposited in said Bank, by the Commissioners of the different townships, according to existing laws.

Approved, 4th February, 1843.

[No. 50.]

AN ACT

To establish a Tobacco Inspection in the City of Wetumpka.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there shall be a warehouse for the inspection of tobacco, es-

established at the city of Wetumpka, in this State, which shall be governed by the same rules and regulations, as are established by law for the government and regulation of the warehouses for the inspection of tobacco heretofore established at Mobile and Selma, in this State.

Approved, January 27th, 1843.

[No. 51.]

AN ACT

To provide a fund, and to make appropriations to defray the expenses of the present General Assembly, and of the Civil List, for the year 1843.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the President and Directors of the Bank of the State of Alabama be, and they are hereby required to set apart, out of the bills of the said Bank, the sum of one hundred thousand dollars, to the credit of the State Treasurer, to be paid out as hereinafter appropriated. Revenue fund

Sec. 2. *And be it further enacted,* That the following sums be, and the same are hereby appropriated to the persons, and for the purposes therein specified, to wit: for defraying the expenses of the present General Assembly, the sum of fifty thousand dollars; for the payment of the salaries of the Judges of the Supreme Court, Judges of the Circuit Courts, and Chancellors, and for the Attorney General, and Solicitors of the several judicial circuits, the sum of thirty-two thousand dollars; for the payment of the salary of the Governor, the Secretary of State, the Comptroller of Public Accounts, and the State Treasurer, the sum of five thousand five hundred dollars; for the payment of the Quarter Master General, the sum of two hundred dollars; and to the Adjutant and Inspector General, four dollars for each day he may be in actual service, by order of the Governor; for the payment of the Private Secretary of the Governor, three hundred dollars. Appropriation
General Assembly.
Judges,
Chancellors,
Attorney General and Solicitors.
State officers.
Military service.
Governor's Private Secretary.

Sec. 3. *And be it further enacted,* That the sum of three hundred dollars be, and the same is hereby appropriated, to the payment of the Secretary of State, for indexing the Laws, copying the Journals of both Houses of the present General Assembly, preparing the whole for the press, and superintending the printing of the same; for the payment of the Secretary of the Senate, and the Clerk of the House of Representatives, the sum of one hundred dollars, each, for completing the Journal of their respective Houses, and for filing away, and properly arranging the papers and unfinished business of the present General Assembly, after its adjournment: which sums shall be paid upon the certificate of the Secretary of State, that said duties have been faithfully performed. Secretary of State.
Clerk House and Secretary of the Senate.

Sec. 4. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated, as a contingent fund, to be applied under the direction of the Governor, and paid out of any moneys not otherwise appropriated.

Approved, February 13th, 1843.

[No. 52.]

AN ACT

To abolish certain Election Precincts therein named, and for the establishment of others in lieu thereof, in the counties of Dale and Coffee.

Dale. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the election precinct at Michael Wodford's, in the county of Dale, be, and the same is hereby abolished; and that in lieu thereof, an election precinct be, and the same is hereby established at the house of Samuel Brenghton, in said county.

Dale. Sec. 2. *And be it further enacted*, That an election precinct be, and is hereby established at the house of James Bridges, in the county of Dale, in lieu of the one at Black's Mills, which latter precinct is hereby abolished; and that one be established at Robert Knight's, in said county.

Dale. Sec. 3. *And be it further enacted*, That an election precinct be, and the same is hereby established, at the seat of justice in said county of Dale.

Coffee. Sec. 4. *And be it further enacted*, That an election precinct be, and the same is hereby established, at the following places in the county of Coffee, to wit: at Wellborne, the seat of justice for said county; at the house of George Barker; at the storehouse of Jourden & Farmer; at the house of William F. Wilkinson; and another at the house of Thomas B. Garrett, in said county; and the election precinct at Elizabeth Bole's, in said county, is hereby abolished.

Henry. Sec. 5. *And be it further enacted*, That the election precincts heretofore established in the county of Henry, at the house of Elias Miller; at Franklin; at Haynes' store; and at the house of Mary Anderson, be, and the same are hereby abolished; and in lieu thereof, the following are hereby established: to wit, one at the house of Henry R. Scott; one at the Open Pond; one at the house of Mr. Cumbo; and one at the house of John B. Williams, all in said county.

Tallapoosa. Sec. 6. *And be it further enacted*, That an election precinct is hereby established at Goldville, in the county of Tallapoosa.

Approved, February 15th, 1843.

[No. 53.]

AN ACT

To regulate the Branch of the Bank of the State of Alabama, at Decatur.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the powers heretofore vested in the President and Directors of the Branch of the Bank of the State of Alabama, at Decatur, to deal in bills of exchange, to discount notes, and to receive money on deposit, be and the same are hereby revoked, and the said Bank shall hereafter be continued in operation solely for the security and collection of its debts, and the full settlement and liquidation of its affairs. Powers revoked.

Sec. 2. *And be it further enacted,* That the powers heretofore conferred upon the President and Directors to renew notes and make settlements, are continued: *Provided,* that the President and Directors shall not have power to take real or personal estate in settlement or payment of any debt; nor shall any chose in action be taken in renewal, whereby any party to the debt is discharged, but the same shall be held as collateral security merely, and no proposition for renewal or settlement shall be operative without the concurrence of the President and all of the Directors. Powers continued.
Proviso.

Sec. 3. *And be it further enacted,* That the said Directors shall receive the per diem compensation now prescribed by law: *Provided,* the same shall not exceed the sum of thirteen hundred dollars; and the President and Directors shall have no power to make any allowance or appropriation for their own benefit; nor shall they receive for extra service, any sum without the sanction of the General Assembly be first obtained; and any vacancy that may occur in the Board of President and Directors, during the recess of the General Assembly, shall be filled by the appointment of the Governor; and it shall be the duty of the Cashier to notify the Governor that a vacancy has occurred, within five days after the same has happened. Compensation of Directors.
Vacancies.

Sec. 4. *And be it further enacted,* That the said Directors shall be elected by a joint vote of both Houses of the General Assembly, from seven persons, to be nominated to them by the Governor, for the ensuing year after the passage of this act, and hereafter, at the commencement of each session of the General Assembly, and the number of the said Directors shall be reduced to three persons. Directors shown elected.

Sec. 5. *And be it further enacted,* That the President and Directors of the said Bank, shall each give bond to the Bank in the sum of twenty thousand dollars, with two or more sufficient securities for the faithful performance of the duties of their office, that the said bond shall be taken by the Judge of the County Court of Morgan county, and after being recorded in the office of the Clerk of that Court, shall be forwarded by him Bond.

to the Secretary of State, and a certified copy of the bond or record shall be evidence in the place of the original.

Bills receivable.
etc.

Sec. 6. *And be it further enacted*, That the bills of the said Branch Bank shall be receivable as heretofore, in the payment of all debts now due, or which may be running to maturity, and the future renewals and extensions of the same, in the Bank of the State of Alabama, and either Branch thereof, and when the bills of the Branch Bank aforesaid, shall be so taken, they shall not be re-issued, but the Bank or Branch Bank taking them, shall be entitled to re-payment out of the asset of the said Branch Bank at Decatur, after the payment of the debts due its bill holders and depositors.

Officers of
Bank.

Sec. 7. *And be it further enacted*, That after the first day of March next, the officers of the said Bank shall consist of a Cashier and two Clerks, that the salary of the Cashier shall be fifteen hundred dollars per annum, and the two Clerks shall have one thousand dollars each per annum.

Real estate
pledged.

Sec. 8. *And be it further enacted*, That the real estate now held, or which may be acquired by the said Branch Bank, in settlement of any debt, is hereby pledged for the payment of the debts of the Bank, in equal proportions, and are hereby vested in the President and Directors of the same for that purpose.

Real estate to
be sold.

Sec. 9. *And be it further enacted*, That two Commissioners shall be appointed by the Governor, (who do not reside in the vicinity of said real estate,) whose duty it shall be to examine, and value the same upon oath, in suitable tracts or parcels, for the purpose of selling the same, which valuation with a description of said tracts or parcels, shall, by them, be returned to the Secretary of State, to be filed in his office, upon the reception of which, it shall be the duty of the Governor, (at such times and places as he, with the advice of said President and Directors shall deem advisable,) upon giving ninety days public notice of the time and place, in some newspaper published nearest the location of the real estate to be sold, to offer said lands, lots or real estate, for sale in such parcels, tracts, or lots, to the highest bidder, at public outcry, one-fourth for cash, and the residue in one, two and three equal annual instalments, with six per centum per annum, interest thereon, payable in the notes of the Bank of the State of Alabama, or any of its Branches.

Minimum.

Sec. 10. *And be it further enacted*, That three-fourths of the value so fixed upon the said lots, tracts, or parcels, shall be the minimum price at what it shall be set up, which, if not sold, the same shall be withdrawn from sale.

Sec. 11. *And be it further enacted*, That it shall be the duty of the President and Directors, or their authorized agents, conducting said sale, to take the notes of such purchaser or purchas-

ers of any of said tracts, parcels, or lots, so sold, for the residue of the purchase money and interest as hereinbefore provided for, and to give him, her, or them, a certificate of purchase, specifying the lot, parcel or tract so purchased, and price, and shall also, return the purchase money and notes so received, to the said Branch Bank, and take the receipt of the Cashier therefor, and return said receipt to the office of the Secretary of State, and upon full payment being made for any purchase, the President and Directors of said Branch Bank, shall make titles, to the purchaser or purchasers, their heirs or assigns, for the tract so paid out in full, and if any of said notes are not punctually paid, the Governor shall be authorized to declare the contract forfeited, to dispossess the purchaser, and resell the premises as if no sale had been made; nor shall any part of the money paid be refunded to the purchaser whenever the Governor shall declare a contract to have been forfeited: *Provided*, that the said Commissioners shall be allowed a compensation not exceeding three dollars per day for the time so engaged, to be paid them by the Cashier of said Branch, upon their account rendered on oath, of the time occupied by them in valuing said lands.

Purchaser to give notes.

Title.

Forseiture of contract.

Proviso.

Sec. 12. *And be it further enacted*, That the debtors of the said Branch Bank shall have the right, at any time, to pay the debt due the same in the bills of the said Branch Bank, and no process or proceeding by any creditor, shall have the effect to defeat this right of the debtor.

Right of debtors.

Sec. 13. *And be it further enacted*, That the President and Directors may employ extra agents to transact special business for the same: *Provided*, that the said President and Directors shall make the contract for compensation, before the service is rendered, or if no contract is so made, the rate of compensation shall be fixed by the concurring vote of the President and all the Directors, and shall, before payment, receive the sanction of the General Assembly.

Extra agents.

Sec. 14. *And be it further enacted*, That the State Bank shall receive the bills of the Branch Bank, with the word cancelled, written across the face of the same, after they shall have been registered by the Branch Bank, in a book to be kept for that purpose, also the blank impressions of the bills and the plates that are now in the possession of said Bank, after allowing a sufficient sum for the payment of the current liabilities of the same, and allowing the sum of twenty thousand dollars to be retained for the payment of contingent and other expenses, which bills and blank impressions, after being registered, shall be destroyed by the President and Directors of the Bank of the State of Alabama, in the presence of the Governor and Secretary of State, and the amount destroyed, from time to time, shall be published in one or more newspapers, in the vicinity of the Bank.

Bills to be destroyed.

Quarterly settle-
ments.

Sec. 15. *And be it further enacted*, That the Bank of the State of Alabama, and the Branches thereof, shall have quarterly settlements with the Branch Bank at Decatur, and the bills of the said Branch Bank, held by the Bank of the State of Alabama and its Branches, on all such settlements, shall be delivered, marked canceled, by writing across the face of the same, the word "canceled," to the President and Directors of the Branch Bank at Decatur, who shall forward the same to the President and Directors of the Bank of the State of Alabama, to be registered and destroyed, as is provided in the preceding section.

Redemption
of notes.

Sec. 16. *And be it further enacted*, That when the State Bank or such of the Branches as may not be placed in liquidation at the present session of the General Assembly, resume specie payments upon all their issues, they shall, in like manner redeem the notes of the Branch Bank at Decatur.

Sale of per-
sonal prop-
erty.

Sec. 17. *And be it further enacted*, That the President and Directors shall, during the year eighteen hundred and forty-three, proceed to sell to the highest bidder, for cash, all the personal property held by said Branch Bank (except the furniture belonging to the Banking House,) after having given thirty days notice of the time and place of any such sale, in one or more newspapers, published in the town of Decatur, and in one paper published nearest the place of sale: *Provided, however*, no sale shall take place until the President and Directors shall have obtained the assent of the Governor thereto: *And provided, further*, that at such sale, neither the President nor Directors shall become directly, or indirectly, purchasers of any of said property, except it be for the State of Alabama.

Provisos.

Approved, 21st January, 1843.

[No. 54.]

AN ACT

Changing the direction of the Tax Fees on suits at the instance of the Banks of this State.

Where paid.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the tax fee of two dollars, on each judgment, rendered in all cases of debt due the several Banks in this State, shall belong to the county treasury, where the defendant may reside.

How ascer-
tained.

Sec. 2. *And be it further enacted*, That it shall be the duty of the Clerks of the Circuit and County Courts in the several counties in this State, to keep an exact account of all tax fees on suits at the instance of the Banks, and pay over the same to the County Treasurer of the different counties, where the defendants reside, or his order, once in every twelve months.

Approved, 14th February, 1843.

[No. 55.]

AN ACT

For the better organization of a Board of Trustees for the University of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State of Alabama for the time being, and his successors in office, shall be a member of the Board of Trustees for the University of Alabama, and that he shall *ex officio* be the President of the same. Board.

Sec. 2. *And be it further enacted,* That the Judges of the Supreme Court of the State of Alabama, for the time being, and their successors in office, shall severally be members of the Board of Trustees aforesaid. How constituted.

Sec. 3. *And be it further enacted,* That in addition to the persons herein before named, there shall be elected in the manner hereinafter prescribed, one Trustee for each of the Judicial Circuits, that may be established in the State of Alabama, except the Circuit in which the University is located, in which there shall be elected two. Circuits.

Sec. 4. *And be it further enacted,* That no person shall be eligible to the office of Trustee of the University aforesaid, who shall not have attained the age of thirty years. Eligibility.

Sec. 5. *And be it further enacted,* That the Trustees of the University for the several Judicial Circuits, shall be elected by the joint vote of the General Assembly, and shall hold their offices for the term of six years, and until their successors are elected and qualified; *Provided however,* that the Trustees elected at the present General Assembly, shall be classified by lots, by the Board of Trustees at their first meeting after the passage of this act, into three classes as near equal as may be, one-third of whom shall go out of office biennially. Election of Trustees.

Sec. 6. *And be it further enacted,* That in the event of the death, resignation or removal from office of any Trustee, the Board of Trustees shall have power to fill such vacancy, and the appointment so made, shall continue until the end of the next General Assembly, which shall fill such vacancy by a qualified person, who shall hold his office for the unexpired term of his predecessor. Proviso.

Sec. 7. *And be it further enacted,* That the non-attendance of any Trustee elected by the General Assembly for any two consecutive regular meetings of the Board of Trustees, shall *ipso facto* vacate his office, and the vacancy shall be filled in the manner herein prescribed. Vacancies.

Sec. 8. *And be it further enacted,* That the Board of Trustees appointed and elected by this act, be, and they are constituted a body corporate, with all the powers, duties and privileges of the several acts of the General Assembly now in force, for the establishment of the University of the State of Seat of Trustee vacated.

Corporate powers.

Alabama, and that their successors in office shall possess and enjoy like powers and privileges, and shall perform their duties in like manner.

Repeal.

Sec. 9. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, February 13th, 1843.

[No. 56.]

AN ACT

To amend the Laws in force for the creation of a School Fund in the County of Mobile.

School commissioners for Mobile

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That after the passage of this act, Jonathan Emanuel, Josiah C. Nott, John K. Collins, Daniel Chandler, John A. Cuthbert, William J. Ledyard, James S. Deas, Joseph W. Lessene, Samuel P. Bullard, Walter Smith, James McGorrahane, B. D. Simison, John Malone, Vincent Williams, Moses Copeland, be, and they are hereby constituted School Commissioners of the County of Mobile, and shall have the powers and authorities conferred upon Mobile School Commissioners, by the Act entitled an act for the establishment of Schools in the County of Mobile, and to provide a fund for the maintenance of the same; approved, December nineteenth, one thousand eight hundred and thirty six, and all the acts amendatory thereto, except as is herein excepted.

Meetings and classification of members.

Sec. 2. *And be it further enacted*, That the said Board shall hold its first meeting, before the first day of March next, and at their first meeting they shall divide the members of the Board into four equal classes, by lot, the members of the first shall vacate their offices on the first Monday of March, one thousand eight hundred and forty four, the second on the first Monday of March, one thousand eight hundred and forty five, the third on the first Monday of March, one thousand eight hundred and forty six, and the last on the first Monday of March, one thousand eight hundred and forty seven, and the successors of the said School Commissioners shall hold their offices for four years, from the periods at which their predecessors vacated their seats, and the successors of the School Commissioners shall be elected by the Board of School Commissioners within two months next, before the time when any seat shall become vacant; and if any School commissioner shall resign, die, or his office become vacant by any other cause, before the expiration of the term of office, his successor shall be elected by the Board to fill the vacancy, and he shall hold his place for the remainder of the term.

Re-election.

Sec. 3. *And be it further enacted*, That no School Commissioner shall be eligible to re-election, and at least five of the Commissioners shall be residents of the County of Mobile, more than six miles from the Court House.

Sec. 4. *And be it further enacted*, That the School Fund of the said County, other than the appropriations in favor of sixteenth sections, and the proceeds of the said sections shall be applied in the first place towards the liquidation and payment of the debts of the Mobile School Commissioners, and after that result shall be attained, then the whole fund shall be applied for the purposes of furnishing instruction to the children of the people in said county, and the said Commissioners shall not be permitted to purchase lands, or erect buildings with any funds in their hands, but the plain intent and meaning of this act is, that the said Mobile School Commissioners shall expend their funds in providing competent and suitable teachers.

Application of fund.

Sec. 5. *And be it further enacted*, That the Mobile School Commissioners shall not have the power to sell any portion of the property in said county, dedicated to the use of Schools, or to bind or incumber the same, except for debts heretofore contracted, and no debt hereafter contracted, shall give the creditor any claim or right to subject the real estate of the said Corporation, but the current revenues of the Corporation, shall alone be applicable by any Board of School Commissioners.

Restriction of powers.

Approved, 15th February, 1843.

[No. 57.]

AN ACT

To reduce the pay of the Inspectors of the Penitentiary, and define their duties, and for other purposes.

Section 1. *Be it enacted by Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the pay of the Inspectors of the Penitentiary shall be three dollars per day each, for every day's service rendered in conformity with the provisions of the law defining the duties of Inspectors and no more, and no mileage shall be allowed or paid to any Inspector for travelling to and from the Penitentiary, any law to the contrary notwithstanding.

Compensation.

Sec. 2. *And be it further enacted*, That it shall be the duty of the clerk of the Penitentiary to note the failure of any Inspector to attend the regular monthly meetings of the board of Inspectors, and if any Inspector shall fail to attend at three successive monthly meetings of the board, (unless such failure shall be caused by sickness,) his office shall be considered as vacated, and it shall be the duty of the clerk of the Penitentiary to notify the Governor thereof, and the Governor shall fill said vacancy by appointment as in case of resignation, and the Inspector so appointed shall hold his office until the expiration of the next succeeding session of the Legislature.

Duties and liabilities.

Approved, 11th February, 1843.

[No 58.]

AN ACT

To regulate suits against the Bank of the State of Alabama, or any of the Branches thereof.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in no case of any suit instituted by any person or persons, or any corporate body, against the Bank of the State of Alabama, or any Branch Bank in this State, shall the process by attachment, or garnishment against any debtor of the said Bank, or any Branch thereof, be issued in favor of any such suitor.

Approved, 13th February, 1843.

[No. 59.]

AN ACT

To amend an act to create a certain County therein named, and for other purposes, approved December 31st, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Sheriff of the County of Coffee to advertise at three or more public places in said county, together with an advertisement at Bridgeville in said county, on the first Monday in May next, for an election for the location of the seat of Justice in said county, and it shall be the duty of said Sheriff to summon one Justice of the peace, or some other suitable person, to attend each election precinct in said county, and the Justice, or person so summoned, shall make his return to said Sheriff on the day next following the said election.

Election for
seat of justice

Returns.

Sec. 2. *And be it further enacted,* That it shall be the duty of the said Sheriff to consolidate said returns in presence of the Judge of the county court of said county, and it shall be the duty of said Judge, under his hand and seal, forthwith to notify the commissioners of roads and revenue of said county, of the place so selected.

Duty of com-
missioners.

Sec. 3. *And be it further enacted,* That it shall be the duty of the said commissioners of roads and revenue to purchase a tract of land not exceeding one hundred and sixty acres, at the place so selected, and cause said tract of land to be run off in lots of convenient size, and sold on one and two years credit, upon giving at least thirty days notice of said sale, and it shall be the further duty of said commissioners to take small notes with approved security of the purchasers of said lots, payable to said commissioners.

Court house
and jail.

Sec. 4. *And be it further enacted,* That it shall be the duty of said commissioners of roads and revenue of said county, to cause a Court House and Jail to be erected, and let out a contract for the erection of the same to the lowest bidder, by giving at least thirty days notice at three or more public places in

said county, and it shall be their further duty to cause said contractor to enter into bond with security, to be approved by said commissioners, payable to the Judge of the county court, for the faithful performance of such contract.

Sec. 5. *And be it further enacted*, That the proceeds arising from the sale of said lots, shall be applied to the erection and completion of said buildings, and that all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed. Sale of lots.

Approved, 1st February, 1843.

[No. 60.]

AN ACT

To extend the Limitation of Prosecutions in the County of Montgomery.

WHEREAS, the intervening time between the Sessions of the Circuit Court of Montgomery county, is from eight to nine months, and whereas, the limitations of prosecutions for assaults, or assaults and battery, is six months only.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, all indictments against any person or persons in the County of Montgomery for an assault, or assault and battery, shall and may be commenced within nine months from and after the commission of the offence or offences, and not six months, as now prescribed by law generally: *Provided however*, that the limitation shall not extend to any person or persons who have fled from justice.

Approved, 7th February, 1843.

[No. 61.]

AN ACT

More fully to carry into effect Joint Resolutions passed at the present Session of the Legislature, upon the subject of the alteration of the Constitution of the State of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That it is hereby made the duty of the Superintendents of the elections for members of the Legislature, in the several precincts in this State, on the first Monday in August, one thousand eight hundred and forty-three, to call upon each voter to endorse on his ticket, the word, "accepted" or "rejected:" And it is hereby made the duty of the returning officers of said elections, in each and every county, in this State, to make a return of said vote to the Secretary of State, whose duty it shall be to communicate the result to the next General Assembly within the first week of its session: And that this act be published with the Joint Resolutions passed at the present session of the Legislature, proposing to alter the Constitution of the State of Alabama.

Approved, 4th February, 1843.

[No. 62.]

AN ACT

To regulate and define the duties and liabilities of Constables, and for other purposes.

Liability of
constable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That if any Constable shall receive or collect any money on any summons or warrant in any civil case before judgment shall have been rendered thereon, or before any execution after the return day thereof, such money shall be deemed and taken to have been collected by such Constable in his official capacity, and such Constable and his securities, in his official bond shall be liable to pay the same to the plaintiff, in like manner as if such money had been received or collected by such Constable, on an execution in force in his hands.

Remedy
against con-
stable

Sec. 2. *And be it further enacted,* That if any Constable shall fail or refuse to pay over any such money so collected, to the plaintiff or his agent, or attorney, or the Justice of the Peace issuing such warrant, summons or execution, on demand, the plaintiff may recover the same from such Constable, and his official securities, together with five per centum on the amount, for every month after such demand and failure or refusal, as damages, and such recovery may be had in a summary manner, on notice and motion, in like manner as if such money had been collected on an execution in force by such Constable; *Provided however,* that such demand shall be made and such notice given, within six months after such monies may have been so collected and received.

Proviso.

Repeal

Sec. 3. *And be it further enacted,* That all laws and parts of laws, contrary to the provisions of this act, be, and the same are hereby repealed; and the provisions of this act shall take effect on the first day of May next, and not sooner.

Approved, 15th February, 1843.

[No. 63.]

AN ACT

To amend the law in relation to Small Pox, and other contagious disorders.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in all cases where the Governor of this State shall receive satisfactory information of the existence of Small Pox, or other contagious disorders, it shall be lawful for him to adopt such measures to prevent a communication of the infection of such disorder, and for the aid and comfort of the sick, afflicted with the same, that he could or might do, if the said information were afforded by a Physician, in terms of the act of one thousand eight hundred and seven, in such cases provided.

Approved, 21st January, 1843.

[No. 64.]

AN ACT

To regulate the mode of taking Bonds by the Judges of the County Courts in certain Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever, hereafter, it shall be necessary for the Judges of the County Courts of Monroe and Conecuh counties, to take bonds in any cases where they are required by law to take and approve the same, the Commissioners of Roads and Revenue in the said counties, or a majority of them, shall unite with the said judges in the performance of that duty.

Approved, February 4th, 1843.

[No. 65.]

AN ACT

To authorize the loan of a portion of the Two per cent Fund to the Montgomery and West Point Rail Road Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Governor of the State of Alabama is hereby authorized and required to direct the Cashier of the Bank of the State of Alabama to pay out of the first instalment of the two per cent fund, the sum of one hundred and twenty thousand dollars to the President and Directors of the Montgomery and West Point Rail Road Company, so soon as the said President and Directors shall have executed their bond with good personal security, payable to the Governor of the State of Alabama for the time being, and his successors in office, conditioned for the faithful payment of said sum of money as aforesaid, at the expiration of ten years from the date of said bond, together with the interest which shall accrue thereon, payable annually at the rate of six per cent per annum: *And provided also,* that the payment of said sum of money and the interest thereon shall be further secured by mortgage on real estate, which bond and mortgage shall be approved by the Governor aforesaid: *And provided further,* that said company shall at the same time, execute an additional bond payable to the Governor aforesaid, in the penal sum of said loan, conditioned for the faithful application of said fund.

Cashier to loan \$120,000 of two per cent fund.

Security.

Time of loan.

Interest.

Provisos.

Sec. 2. *And be it further enacted,* That the President and Directors of said company shall, and they are hereby required to make annual reports to the Governor immediately preceding the session of the Legislature, of the extent of construction and condition of said Road, and the amount of said fund expended, to whom paid and for what purposes applied.

Annual reports.

Sec. 3. *And be it further enacted,* That the first section of this act shall be so construed, that the President and Directors of the Montgomery and West Point Rail Road Company, shall

Construction of act.

Proviso.

receive said loan out of the second instalment of the two per cent fund: *Provided*, the Congress of the United States shall during its present session, sanction by law the arrangement contemplated in certain joint resolutions passed during the present session of the Legislature, on the subject of authorizing the Registers and Receivers of the different land offices in this State to receive payment in Alabama money from the settlers on public lands in this State.

Approved, 14th February, 1843.

[No. 66.]

AN ACT

In relation to the records of Henry County.

To be transcribed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the clerk of the county court of Henry county is hereby required to transcribe into a well-bound book, all the records of the Orphans' court, and deeds of conveyance in said county from such books in his office, as shall be worn out and coming to pieces.

Compensation.

Sec. 2. *And be it further enacted*, That the court of commissioners of roads and revenue in said county, shall allow to the said clerk a reasonable compensation for the services herein required of him out of the county treasury.

Approved, 1st February, 1843.

[No. 67.]

AN ACT

To form an additional Regiment in the counties of Tuscaloosa and Coffee.

92d regiment. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That there be an additional regiment formed from the seventeenth and eighteenth regiments in the county of Tuscaloosa, to be styled and known as regiment ninety-two.

Boundary.

Sec. 2. *And be it further enacted*, That the colonels, lieutenant colonels, and majors, of the seventeenth and eighteenth regiments, of the county of Tuscaloosa, be, and they are hereby appointed a committee, to lay off and establish the bounds of said additional regiment.

Regiment may be established.

Sec. 3. *And be it further enacted*, That the committee appointed under the second section of this act, to lay off and establish an additional regiment in the county of Tuscaloosa, if, after having examined the situation of the existing regiments, believe that it will be inexpedient to establish such additional regiment, they are authorized to report as inexpedient, and the regiments to remain as they now are.

Sec. 4. *And be it further enacted*, That an additional regiment, composed of the militia of the county of Coffee, to be styled ^{90th Regiment.} and known as the ninetieth regiment Alabama militia, be, and the same is hereby established.

Sec. 5. *And be it further enacted*, That it shall be the duty of the brigadier general, to order an election for a colonel, to command the regiment so formed, in accordance with the militia ^{Election to be held.} laws now in force.

Approved, February 11th, 1843.

[No. 68.]

AN ACT

To divide the State of Alabama into Nine Judicial Circuits, and to fix the times of holding the terms of the several Circuit Courts in this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the State of Alabama shall be, and is hereby ^{State divided into nine judicial circuits.} divided into nine Judicial Circuits, as follows, to wit:

The Counties of Marengo, Perry, Bibb, Autauga and Coosa, ^{1st circuit.} shall compose the First Circuit:

The Counties of Conecuh, Covington, Wilcox, Butler, ^{2d} Lowndes and Dallas, shall compose the Second Circuit. ["]

The Counties of Greene, Tuscaloosa, Jefferson, Shelby and ^{3d} St. Clair, shall compose the Third Circuit: ["]

The Counties of Limestone, Lauderdale, Franklin, Laurence ^{4th} and Morgan, shall compose the Fourth Circuit: ["]

The Counties of Madison, Jackson, Marshall, De Kalb, Che- ^{5th} rokee and Benton, shall compose the Fifth Circuit: ["]

The Counties of Mobile, Washington, Baldwin, Clarke and ^{6th} Monroe, shall compose the Sixth Circuit: ["]

The Counties of Sumter, Pickens, Fayette, Marion, Walker ^{7th} and Blount, shall compose the Seventh Circuit: ["]

The Counties of Montgomery, Pike, Dale, Coffee, Henry and ^{8th} Barbour, shall compose the Eighth Circuit: ["]

And the Counties of Talledega, Randolph, Chambers, Talla- ^{9th} poosa, Macon and Russell, shall compose the Ninth Circuit. ["]

Sec. 2. *And be it further enacted*, That the terms of the Circuit Court of each county in the several Circuits, shall be hol- ^{Courts when held.} den at the times hereinafter specified, that is to say: the terms of the Circuit Courts of the several counties composing the First ^{1st circuit.} Circuit, shall commence and be holden as follows, to wit:

In the county of Bibb, on the first Mondays after the fourth ^{Bibb.} Mondays in March and September in each year, and continue one week:

In the county of Autauga, on the second Mondays after the ^{Autauga.} fourth Mondays in March and September in each year, and continue one week:

- Coosa.** In the county of Coosa, on the third Mondays after the fourth Mondays in March and September in each year, and continue one week:
- Perry.** In the county of Perry, on the sixth Mondays after the fourth Mondays in March and September in each and every year, and continue two weeks:
- Marengo.** And in the county of Marengo, on the eighth Monday after the fourth Mondays in March and September, and continue until the business is disposed of.
- 2d circuit.** And the terms of the Circuit Courts of the several counties composing the Second Judicial Circuit, shall commence and be holden as follows, to wit:
- Covington.** In the county of Covington, on the first Mondays of March and September in each year, and continue one week:
- Conecuh.** In the county of Conecuh, on the second Mondays of March and September in each year, and continue one week:
- Butler.** In the county of Butler, on the third Mondays of March and September in each year, and continue one week:
- Lowndes.** In the county of Lowndes, on the fourth Mondays of March and September in each year, and continue two weeks.
- Wilcox.** In the county of Wilcox, on the second Mondays after the fourth Mondays in March and September in each year, and continue two weeks:
- Dallas.** And in the county of Dallas, on the fourth Mondays after the fourth Mondays in March and September in each year, and continue three weeks.
- 3d circuit.** *Sec. 3. And be it further enacted,* That the terms of the Circuit Courts of the several counties, composing the Third Judicial Circuit, shall commence and be holden as follows, to wit:
- St. Clair.** In the county of St Clair, on the first Mondays of March and September in each year, and continue one week:
- Shelby.** In the county of Shelby, on the second Mondays in March and September in each year, and continue one week:
- Jefferson.** In the county of Jefferson, on the third Mondays in March and September in each year, and continue one week:
- Tuscaloosa.** In the county of Tuscaloosa, on the fourth Mondays in March and September in each year, and continue two weeks:
- Greene.** And in the county of Greene, on the second Mondays after the fourth Mondays of March and September in each year, and continue three weeks.
- 4th circuit.** *Sec. 4. And be it further enacted,* That the terms of the Circuit Courts of the several counties composing the Fourth Judicial Circuit shall be commenced and holden as follows, to wit:
- Lawrence.** In the county of Lawrence, on the third Mondays of March and September in each year, and continue one week:
- Franklin.** In the county of Franklin, on the fourth Mondays of March and September in each year, and continue one week:
- Lauderdale.** In the county of Lauderdale, on the first Mondays after the fourth Mondays of March and September in each year, and continue one week:

In the county of Limestone, on the second Mondays after the fourth Mondays in March and September in each year, and continue one week: Limestone.

And in the county of Morgan, on the third Mondays after the fourth Mondays in March and September in each year, and continue two weeks. Morgan.

Sec. 5. *And be it further enacted*, That the terms of the Circuit Courts of the several counties, composing the Fifth Judicial Circuit, shall be commenced and holden as follows, to wit: 5th circuit.

In the county of Madison, on the first Mondays of March and September in each year, and continue two weeks: Madison.

In the county of Marshall, on the third Mondays in March and September in each year, and continue one week: Marshall.

In the county of Jackson, on the fourth Mondays of March and September in each year, and continue one week: Jackson.

In the county of De Kalb, on the first Mondays after the fourth Mondays in March and September in each year, and continue one week: De Kalb.

In the county of Cherokee, on the second Mondays after the fourth Mondays in March and September in each year, and continue one week in the Spring and two in the Fall: Cherokee.

In the county of Benton, on the third Mondays after the fourth Mondays in March, and the fourth Mondays after the fourth Mondays in September in each year, and continue until all the business in said court shall be disposed of. Benton.

Sec. 6. *And be it further enacted*, That the terms of the Circuit Courts in the Sixth Judicial Circuit, shall commence and be holden as follows: the Spring terms to be held 6th circuit. Spring term.

In the county of Baldwin, on the first Monday of March of each year, and to continue in session one week: Baldwin.

In the county of Washington, on the second Monday of March in each year, and to continue in session one week: Washington.

In the county of Clarke, on the third Monday of March of each year, and during the present year to continue in session two weeks, and after the present year one week: Clarke.

In the county of Monroe, on the second Monday after the third Monday of March this year, and after this year, to commence on the fourth Monday of March of every year, and to continue in session two weeks: Monroe.

In the county of Mobile, on the fourth Monday after the third Monday of March during the present year, and after this year, on the second Monday after the fourth Monday of March of each year, and to continue in session till the business of the court is closed. Mobile.

The Fall terms as follows:

Fall term.

In the county of Monroe, on the third Monday of September in each year, and continue two weeks: Monroe.

In the county of Clarke, on the second Monday after the third Monday of September in each year, and continue in session six Judicial days: Clarke.

Washington. In the county of Washington, on the fourth Mondays after the third Mondays of September of each year, and continue in session one week:

Baldwin. In the county of Baldwin, on the fifth Monday after the third Mondays of September of each year, and continue in session one week:

Mobile. And in the county of Mobile, on the sixth Monday after the third Monday of September of each year, and continue in session till the business is disposed of:

7th circuit. Sec. 7. *And be it further enacted*, That the Circuit Courts of the several counties composing the seventh Judicial Circuit shall be commenced, and holden as follows, to wit:

Blount. In the county of Blount on the fourth Mondays in March and September in each year, and continue one week:

Walker. In the county of Walker on the first Mondays after the fourth Mondays in March and September in each year, and continue one week:

Marion. In the county of Marion on the second Mondays after the fourth Mondays in March and September in each year, and continue one week:

Fayette. In the county of Fayette on the third Mondays after the fourth Mondays in March and September in each year, and continue one week:

Pickens. In the county of Pickens on the fourth Mondays after the fourth Mondays in March and September in each year, and continue one week:

Sumter. And in the county of Sumter on the fifth Mondays after the fourth Mondays in March and September in each year, and continue until the business of the court shall be finished.

Spring term. Sec. 8. *And be it further enacted*, That the Spring Terms of the Circuit Courts of the several counties composing the 8th Judicial Circuit shall commence and be holden as follows, to wit:

Montgomery. In the county of Montgomery on the first Mondays in March in each year, and continue three weeks:

Pike. In the county of Pike on the fourth Mondays in March in each year, and continue one week:

Coffee. In the county of Coffee on the first Mondays after the fourth Mondays in March in each year, and continue one week.

Dale. In the county of Dale on the second Mondays after the fourth Mondays of March in each year, and continue one week:

Henry. In the county of Henry on the third Mondays after the fourth Mondays of March in each year, and continue one week.

Barbour. And in the county of Barbour on the fourth Mondays after the fourth Mondays of March in each year, and continue until the business is finished.

Sec. 9. *And be it further enacted,* That the fall terms of the Fall term. Circuit Courts of the said several counties, composing the Eighth Judicial Circuit, shall commence and be holden as follows, to wit:

In the county of Pike on the third Mondays in September in Pike. each year, and continue one week:

In the county of Coffee on the fourth Monday in September Coffee. in each year, and continue one week:

In the county of Dale on the first Monday after the fourth Dale. Monday in September in each year, and continue one week.

In the county of Henry on the second Monday after the Henry. fourth Monday in September in each year, and continue one week.

In the county of Barbour on the third Monday after the Barbour. fourth Monday in September in each year, and continue two weeks.

And in the county of Montgomery on the fifth Monday af- Montgomery. ter the fourth Monday in September in each year, and continue three weeks:

Sec. 10. *And be it further enacted,* That the Solicitor of Solicitor of the Eighth Judicial Circuit, shall not be required to reside in 8th circuit. the said Circuit, during the residue of the term for which he was elected.

Sec. 11. *And be it further enacted,* That the terms of the Circuit Courts of the several counties composing the Ninth Ju- 9th circuit. dicial Circuit shall commence and be holden as follows, to wit:

In the county of Macon on the third Mondays in March Macon. and September in each year, and continue two weeks:

In the county of Russell on the second Mondays after the Russell. third Mondays in March and September in each year, and continue two weeks:

In the county of Chambers on the fourth Mondays after the Chambers. third Mondays in March and September in each year, and continue two weeks:

In the county of Tallapoosa on the sixth Mondays after the Tallapoosa. third Mondays in March and September in each year, and continue one week:

In the county of Randolph on the seventh Mondays after Randolph. the third Mondays in March and September in each year, and continue two weeks:

And in the county of Talladega on the ninth Mondays after Talladega. the third Mondays in March and September in each year, and continue two weeks.

Sec. 12. *And be it further enacted,* That the Solicitor of Solicitor of the Ninth Judicial Circuit shall not be required to live within 9th circuit. said circuit during the remainder of the term for which he has been elected.

Sec. 13. *And be it further enacted,* That all writs, subpoenas, and other process which have been, or may be returna-

Return of process. ble to the Springs Terms of the said several courts as heretofore held, shall be and are hereby made returnable to the Spring Terms of the said several courts respectively as herein established.

Special term of criminal court in Mobile.

Sec. 14. *And be it further enacted*, That the special terms heretofore provided to be holden in the city of Mobile for the trial of criminal causes, shall be held in the city of Mobile as heretofore, by the Judge of the sixth Judicial Circuit, according to the act entitled "an act to organize the tenth Judicial Circuit, and for other purposes," approved the fifth of February, one thousand eight hundred and forty, and all the powers conferred upon the Judge of the tenth Judicial Circuit by the said act, shall be exercised by the Judge of the sixth circuit.

Solicitor of 6th circuit.

Sec. 15. *And be it further enacted*, That the duties of the Solicitor of the sixth Judicial Circuit, shall be performed by the Solicitor of the tenth Judicial Circuit for the unexpired term of the Solicitor of the said tenth circuit.

Jurors in Marengo county.

Sec. 16. *And be it further enacted*, That the proper officers in the county of Marengo, be and they are hereby authorized in the manner now provided by law, and as early as it may be done after the passage of this act, to draw and summon twenty four duly qualified persons, to serve as petit jurors for the third week of the term of said court, as provided in this bill.

Repeal.

Sec. 17. *And be it further enacted*. That all laws and parts of laws coming within the purview of this act be, and the same are hereby repealed.

Approved, 9th February, 1843.

[No. 69.]

AN ACT

For the final settlement of the affairs of the Planters' and Merchants' Bank of Mobile.

Preamble.

WHEREAS, it has been represented to the General Assembly of the State of Alabama, that the Planters' and Merchants' Bank of Mobile, on the twenty-fifth day of October, eighteen hundred and forty-two, and from thence hitherto has neglected and refused to pay on demand the bills and obligations issued by the said corporation, according to the promise therein expressed, therefore

Charter declared forfeited.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from the cause aforesaid, the Charter of said Bank is declared forfeited, and the privileges and franchises conferred on the said corporation are hereby revoked, except as is herein excepted, and for the purpose of ascertaining judicially, the fact aforesaid, or such other facts as may exist, to cause a forfeiture of the Charter of the said Bank, it shall be the duty of the Solicitor of the judicial circuit in which Mobile may

be situated, upon being required by the Governor of the State of Alabama, whose duty it shall be so to direct, immediately after the passage of this act, forthwith to file, on information in the nature of a *quo warranto* against the said Bank, before the Judge of the circuit court of said circuit or the Judge of the county court of said county of Mobile, either of whom may hold a special term of said courts for said purpose, and it shall be the duty of the Solicitor to cause a copy of the said information to be served on the said Bank, by the sheriff of the said county, which service may be made by delivering the copy to the Cashier or President of the same, and thereupon, the powers of said Bank shall be suspended, except for the purpose of collecting its debts and taking care of its effects, and if the said Bank shall not appear and plead to issue, then it shall be the duty of the said court to pronounce a judgment of forfeiture, and if the said Bank shall appear and plead, then the court is authorized to cause a jury to be summoned forthwith to try the issues that may be joined, and the court shall proceed to judgment, as the laws of the land may require: *Provided*, no stockholder of said Bank shall be a juror to try the issue above mentioned, and after the rendition of judgment upon the said information by the said court in favor of the State, all the provisions of this act shall have full force and effect, and the franchises of the said Bank shall become forfeited, and all conveyances, attachments, liens, or other incumbrances done or suffered by the said corporation in regard to any property of the same since the commission of the act of forfeiture, shall be of no effect or validity, unless ratified and confirmed by the commissioners hereafter named: *Provided*, that if no cause of forfeiture shall be found, this act shall have no force or validity.

Duty of Solicitor.

Proviso.

Sec. 2. *And be it further enacted*, That it shall be the duty of the stockholders of the said Bank to appoint four persons in concurrence with the Governor, to act with one person, to be appointed by the Governor, who shall have full power and authority to take into their possession, the lands and tenements, goods and chattels, and choses in action, of which the said Bank was seized or possessed, on the twenty-fifth day of October aforesaid, or at any time since, and to possess the same for the objects specified in this act: *Provided*, if the stockholders shall neglect to make such appointment for sixty days from the passage of this act, the Governor shall make the appointment of all the commissioners.

Commissioners to be appointed, to take charge of effects.

Powers.

Proviso.

Sec. 3. *And be it further enacted*, That the lands and tenements, goods and chattels and choses in action of the said Bank shall be applied to the payment of its outstanding debts equally, and in proportion to the amount of the same; and after the payment of the debts, then the same shall be distributed among the stockholders according to the stock.

Effects of Bank to be equally distributed among stockholders.

Sec. 4. *And be it further enacted*, That the lands and tene-

Sales of
lands

ments of the said Bank shall be sold under the supervision of the commissioners aforesaid, at the times and on the terms they may prescribe: *Provided*, that all the sales shall be completed by the first day of April, eighteen hundred and forty-four, and that the terms of credit shall not exceed one, two and three years, in equal proportions, upon any parcel of property sold: *And provided*, that no sale shall take place after the payment of the debts outstanding, except with the consent of the stockholders, and no more property shall be sold than shall be sufficient to pay the debts of the said Bank.

Commission-
er's bond.

Sec. 5. *And be it further enacted*, That each of the commissioners shall give bond to the Governor, in the penal sum of twenty thousand dollars, for the faithful performance of the duties of their office: that there shall be two or more sufficient securities to the same, and the bond shall be approved by the Judge of the county court of Mobile county, and shall be recorded in the office of the clerk of the same, and the original shall be filed in the office of the Secretary of State: that a certified copy of the bond or record, may be received in evidence in place of the original, and the bond may be put in suit by any person aggrieved.

Where filed.

Expenses
how defrayed.

Sec. 6. *And be it further enacted*, That the expenses of executing the trusts aforesaid, shall be defrayed by the commissioners from the assets of the Bank.

Certain cor-
porate powers

Sec. 7. *And be it further enacted*, That for the purposes of settlement, the powers now granted to the said Bank for maintaining suits, and the corporate name of the Bank shall be continued and may be employed by the commissioners aforesaid, and the certificates now required of the President of the Bank may be made by either commissioner.

Bills receiva-
ble.

Sec. 8. *And be it further enacted*, That the bills, notes, certificates of deposit and other evidences of debt given, the same shall be received in payment of all debts that are due to the said Bank, and shall be received on the sale of any parcel of property as cash, and all further renewals, or extension of any debts shall fall under the foregoing provision.

Semi-annual
dividends.

Sec. 9. *And be it further enacted*, That it shall be the duty of the commissioners once every six months, to divide the money that may come into their hands, belonging to the said Bank among the creditors of the same, and notice to parties to receive their share, shall be given twice a week for four weeks in some paper published in Mobile, and in case that any creditor shall fail to present his claim, he shall not receive a portion of that dividend, but the same shall be applied to the creditors, whose claim is presented.

Commission-
ers' compen-
sation.

Sec. 10. *And be it further enacted*, That the commissioner appointed by the Governor shall receive at the rate of one thousand dollars per annum, and shall hold his office for the term of two years, unless the business of this trust is sooner

closed, and he shall be removable for cause shown by the Governor, and the said commissioners may appoint clerks and other agents, and fix their compensation, to aid them in fulfilling the duties of their trust.

Sec. 11. *And be it further enacted*, That it shall be lawful for the said commissioners to submit to arbitration contested claims, either those against or held by the Bank, and to compound any doubtful or bad debt, and the said Bank may be sued by its corporate name, so as to enable any claimant to establish his demand, and a service of process upon the commissioners or either of them, shall be a valid and effectual service: no execution shall be issued upon the judgment that may be rendered thereon. Settlement of contested claims.

Sec. 12. *And be it further enacted*, That after the payment of the outstanding debts, the commissioners shall give notice of the fact to the stockholders, and shall deliver to the persons they may appoint, at a meeting of the same, a full and perfect account of all their transactions, and shall deliver to them all the lands and tenements, goods and chattels, and choses in action, that shall remain: and the corporate name of the Bank may be employed by the stockholders, or by such persons as they may appoint, to manage their affairs in the collection of existing debts, and in the transfer of property, and no existing debt or estate in lands shall be considered as discharged or re-vested by the act of forfeiture, except as is herein excepted. After payment of outstanding debts final settlement to be made with stockholders.

Approved, 13th February, 1843.

[No. 70.]

AN ACT

To exempt real estate not exceeding forty acres from execution upon contracts hereafter made.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in addition to the property now exempt by law, from execution, for the use of every family in this State, upon all debts hereafter to be contracted, forty acres of land, (for the purposes of cultivation, not to exceed in value four hundred dollars, to be valued by three disinterested free-holders, to be summoned by the Sheriff for that purpose, in case of a levy,) shall be and inure to the use and benefit of permanent and settled families: *Provided*, that nothing herein contained shall be construed to extend to or embrace any lands within the corporate limits of any town or city in this State. Property exempt from execution.

Sec. 2. *And be it further enacted*, That when any homestead shall be sold by the owner, it shall be subject to the payment of every judgment against him or her, at the time of said sale. Homestead.

Approved, 15th February, 1843.

[No. 71.]

AN ACT

To regulate the State Bank of Alabama, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That after the passage of this act, and during the suspension of specie payments by said Bank, it shall not be lawful for the Bank of the State of Alabama, to discount any promissory note, except in renewal of an existing debt, or to deal in bills of exchange, except for the purpose of effecting a remittance of funds for the payment of the principal and interest of the bonds heretofore issued by the State: and in every case where any such bill of exchange, purchased by the said Bank, shall be protested for non-acceptance, or non-payment, the Bank may recover thirty per cent. damages thereon, instead of the damages now allowed by law in such cases: *Provided*, that the Bank of the State of Alabama, aforesaid, may purchase bills in settlement or renewal of existing debts, but that no note shall be discounted, or bill of exchange purchased in renewal, or settlement of an existing debt, whereby any party to the same shall be discharged, but the same shall be taken as collateral security, merely: *And provided, further*, that no proposition for renewal or settlement, shall be operative without the concurrence of the President and all the Directors: *And provided, further*, if any such last mentioned bills shall be returned, under protest, they shall be subject, in regard to damages, to the laws in force before the passage of this act.

Restriction of powers.

Exception.

Damages on protested bills

Provisos.

Sec. 2. *And be it further enacted*, That the officers of the said Bank shall be reduced to a Cashier, Teller, Book-keeper, and one Clerk; that the salary of the Cashier shall be fifteen hundred dollars per annum, the salary of the Teller, twelve hundred dollars per annum, the salaries of the other officers, at one thousand dollars per annum, and the Clerk or Book-keeper, of the said Bank, shall, under the directions of the Cashier, perform the duties of Notary Public, in all cases of paper belonging to the Bank, or lodged with it for collection, and shall not be allowed to demand any fee of the Bank, but shall be entitled to them from the party protested, or depositing the paper.

Officers of the Bank.

Compensation.

Sec. 3. *And be it further enacted*, That the Directors of the said Bank, shall be elected by a joint vote of both houses of the General Assembly, from seven persons, nominated to the General Assembly for the ensuing year, at the present session of the General Assembly, by the Governor, and hereafter at the commencement of each annual session; and the number of Directors shall be six persons, who shall receive three dollars per day: *Provided*, no Director shall receive more than three hundred dollars in any one year, as compensation for his services, as Director of said Bank, and in case any vacancy shall occur in the office of President or Directors, during the recess of the General

Directors, number and election.

Compensation.

Proviso.

Assembly, the vacancy shall be filled by the Governor, and it shall be the duty of the Cashier to notify the Governor of such vacancy within ten days after the same shall happen. Vacancies
how filled.

Sec. 4. *And be it further enacted*, That the President and Directors shall give bond in the sum of ten thousand dollars each, payable to the Bank, that the bond shall be conditioned for their faithful performance of the duties of their office, and to which there shall be two or more sufficient securities, that the said bond shall be taken by the Judge of the County Court of the county in which the Bank is situate, and copied into the record of the Clerk of the same Court, and the copy shall be received in evidence in place of the original, and it shall be the duty of the County Judge to forward the original, to the Secretary of State. Bond.

Sec. 5. *And be it further enacted*, That after the passage of this act, it shall not be lawful for the said Bank to pay out the bills of either of the Branches of the Banks of the State of Alabama, aforesaid. Restriction in
paying out
bills.

Sec. 6. *And be it further enacted*, That the debtors of the said Bank, shall have the right to pay all the debts they now owe, or which may hereafter become due to the same, in the bills of the Banks, and no process, or proceeding of any person, shall be operative to defeat this right of the debtor. Rights reserved to Bank
debtors.

Sec. 7. *And be it further enacted*, That the several Branches of the Bank of the State of Alabama, shall make quarterly statements of their condition, to the Bank of the State of Alabama, aforesaid, and the bills of the several Branch Banks, after their redemption, shall be returned to the Bank aforesaid, in the manner provided by the acts for their liquidation and settlement, always keeping a sufficient amount to meet their expenses, and current liabilities. Quarterly
statements.

Sec. 8. *And be it further enacted*, That the specie and specie funds of the several Branches aforesaid, shall be subject to the exclusive control of the Bank of the State of Alabama; and the President of the said Bank shall have full power and authority to direct the transfer of the same. State Bank to
control the
specie and
specie funds
of Branches.

Sec. 9. *And be it further enacted*, That the President of the State Bank, under the direction and control of the Governor, shall take the necessary measures for the extension of the State bonds, payable in eighteen hundred and forty-four (or at any time thereafter, at the pleasure of the State,) and should it become necessary, the Governor may direct the issual of new bonds, corresponding with those heretofore issued by the State, to be substituted for the bonds aforesaid. Extension of
State bonds.

New bonds
may be issued

Sec. 10. *And be it further enacted*, That the President and Directors of the Bank of the State of Alabama, shall provide for the payment of the interest on the State bonds, which have been issued on account of either of the Branch Banks, and any funds in either of the said Branches shall be applicable to this object, as the President and Directors aforesaid may appoint. Payment of
interest on
State bonds.

Enlargement
of powers.

Sec. 11. *And be it further enacted*, That the President of the Bank of the State of Alabama, may direct the transfer to the Bank aforesaid, of any and all foreign bills of exchange, held by either of the Branch Banks aforesaid, and all specie funds of every description; and the Branch Banks aforesaid, shall apply any part under the direction of the President and Directors of the Bank of the State of Alabama aforesaid.

Semi-annual
reports in re-
lation to 16th
section funds.

Sec. 12. *And be it further enacted*, That the several Branch Banks shall report semi-annually to the State Bank aforesaid, a full account of all their transactions on account of the sixteenth section fund.

Real estate
vested.

Sec. 13. *And be it further enacted*, That the real estate of the said Bank shall be, and is hereby vested in the President and Directors of the same, and their successors, for the payment of the debts due by said Bank.

Approved, 14th February, 1843.

[No. 72.]

AN ACT

To pay certain Contracts for Teaching Common Schools.

Preamble.

WHEREAS, many Townships in this State have failed to draw the amount of money to which they were entitled, for the benefit of common schools, on account of some defect or informality in the certificate or application of the commissioners, during the year eighteen hundred and forty-one and two, and for the purpose of meeting out justice to all; *Therefore:—*

Banks to pay
contracts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Bank of the State of Alabama, and the several Branches thereof, are hereby required to pay out to all contracts made in good faith, which have failed heretofore to be paid on application under the act entitled, an act to raise a school fund, to aid the valueless sixteenth sections in this State. Approved, 3d February, 1840.

Duty of com-
missioners.

Sec 2. *And be it further enacted*, That it shall be the duty of the Commissioners, or some one of them still in office, in each township that has failed to draw its portion of said fund, to make out a certificate in the same manner as now required by said act; which certificate, when properly drawn, as aforesaid, shall be a sufficient voucher for the said Banks to pay off and take up.

Additional re-
quirement for
drawing.

Sec 3. *And be it further enacted*, That in addition to the requirements of said act, it shall be necessary for the Commissioners, or some one of them, or the Trustees, or some one of them, in each township, heretofore not paid their portion of said fund, to make affidavit, that a teacher or teachers were employed under said act, to teach school in the township for which they make application, and that said teacher or teachers, entered

upon the discharge of their duty according to contract : and furthermore it shall be necessary for the teacher or teachers of each school, for whom the money is applied to pay, to make oath before some person authorized to administer the same, that he taught the school according to contract; and that he has not been paid by the Banks or the State, for the same or any part thereof.

Approved, 13th February, 1843.

[No. 73.]

AN ACT

To regulate the expenditures of the County of Mobile, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That after the passage of this act, all monies arising from fines and forfeitures in the County of Mobile, shall be paid into the County Treasury. Fines and forfeitures.

Sec. 2. *And be it further enacted,* That the monies arising from fines and forfeitures, shall be subject to a charge of five per cent., on the amount that shall be collected, in favor of the Solicitor of the circuit to which the County of Mobile may be attached, in consideration of the number of cases in which the costs remain uncollected, and in consideration of his services in collecting and paying the same to the County Treasurer. Solicitor.

Sec. 3. *And be it further enacted,* That the attendance of witnesses, summoned on behalf of the State, shall be, charge upon the said fund. That no witness summoned on behalf of the State in said county, whose residence is within six miles of the Court house, shall receive more than seventy-five cents per day for his attendance as a witness in State cases, and if summoned in two or more cases he shall not be entitled to prove attendance for more than two cases during the same term, and no such witness shall be allowed to receive more than seven dollars, for his attendance at any one term, on any one case. Pay of witnesses.

Sec. 4. *And be it further enacted,* That witnesses residing more than six miles from the Court house, shall be paid as heretofore; *Provided,* that no witness shall be allowed to prove his attendance in more than two cases, during the same term, and that no such witness shall be entitled to receive more than twelve dollars during any one term, on any one case. Proviso.

Sec. 5. *And be it further enacted,* That it shall not be lawful for any Sheriff, Clerk of the County or Circuit Courts, or their assistants or deputies, or any other county officer, to purchase or otherwise deal directly or indirectly, in the certificates of witnesses or jurors, or other evidences of charges against the county, and in case of any violation of this act, the same shall be deemed a sufficient cause of removal from office. County officers.
Penalty.

Grand jury. Sec. 6. *And be it further enacted,* That after the passage of this act, it shall not be lawful for the Circuit Court to continue the Grand Jury in session, longer than two weeks at any one term, and that the allowance to a Grand or Petit Juror, shall be one dollar per day, and the mileage now allowed by law.

Duty of clerks Sec. 7. *And be it further enacted,* That it shall be the duty of the Clerks of the Circuit and County Courts of Mobile county, to keep an accurate account of all States' witnesses, and juror's certificates issued by them, and they shall immediately, upon the adjournment of court, make up a complete statement and furnish the same to the County Treasurer.

Sec. 8. *And be it further enacted,* That they shall also render an account to the Court of Commissioners of Roads and Revenue.

Appropriation. Sec. 9. *And be it further enacted,* That all monies paid by the County Treasurer of said county, shall be in pursuance of an appropriation made by the proper courts, and no payment shall be made but in pursuance of a previous appropriation.

Stationery. Sec. 10. *And be it further enacted,* That the allowances of the Clerks of the County and Circuit Courts, and the Sheriff of said county, for books, stationery, extra services, any other casne shall not exceed one hundred dollars per annum.

Road tax. Sec. 11. *And be it further enacted,* That there shall not be collected for the Road Tax more than three thousand dollars per annum, or for the School Tax, except from sales, more than four thousand dollars per annum; and the courts having charge of these subjects, shall apportion the said sum, so as to bear equally upon the subjects of taxation specified in the law, for raising tax for the support of the State government.

School tax. Sec. 12. *And be it further enacted,* That the Judge of said County of Mobile, shall be authorized to appoint three persons, to enquire into the amount of debt due and owing by the said county, and the evidence in support of the same; and the said persons shall give notice for all persons having claims upon the said county, to present them to the said commissioners, with the evidence in support thereof, which notice shall be published onse a week for six weeks, in one of the papers published in the city of Mobile, and notice shall also be given by said commissioners that they will haer the parties interested in support of the same, at the Court house of the county, at some day or days specified in the notice, and all claims which shall not be presented within three months from the publication of the first notice, shall be for ever barred; and it shall be the duty of the commissioners to determine upon the validity of each and every claim so presented, and to make a report upon the same, to the Court of Commissioners of Roads and Revenue, and any claimant where the claim shall be rejected, may within ten days from the decision of the commissioners, make an appeal to the County

Debts of the county.

Court of Mobile county, where the matter shall be heard *de novo*, and in case of a rejection by the commissioners of the claim, and there shall be no appeal, the claim shall be forever barred.

Sec. 13. *And be it further enacted*, That the Court of Commissioners of Roads and Revenue, shall, in levying the County Tax, make an estimate of the sums that shall be required under the different assessments and that the taxes shall be laid so as to raise the specific sum so estimated to be wanting; and the money raised for one object shall not be applied to the other, but the different assessment for each year, shall be kept separate, and at the end of each year, the balances, except of Road Tax, be brought into the common fund; and it shall be the leading and controlling principle with the Court of Commissioners of Roads and Revenue, to confine their assessments of tax to the sum actually needed: *Provided*, that the Board of Road Commissioners of Mobile county, shall have the sole power of assessing and disbursing the Road tax. Levying of taxes.
Proviso.

Sec. 14. *And be it further enacted*, That the Collector of County Taxes in the County of Mobile, be entitled to six per cent., for assessing and collecting County and Road Taxes, and no further compensation shall be allowed to him; and that the County Treasurer shall be allowed four per cent., and no more, for his services, in receiving and disbursing the Revenue of said county. Collector's compensation

Approved, 11th February, 1843.

[No. 74.]

AN ACT

To form an additional Regiment in the county of Blount, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the colonel commanding the regiment composed of the county of Blount, to order the battalion courts martial, for the trial of delinquents, after the next spring battalion musters—to convene at the same time and place for that purpose. Courts Martial.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said battalion courts martial, to unite, and, in conjunction, to lay off and prescribe the bounds of an additional regiment, in said county, to be called and known by the number ninety-one, and also to lay off and define the lines between two battalions within each regiment, and also to alter, or define the lines between company beats, and to create such new and additional company beats, according to law, as the majority of the members of said court may think necessary. Courts martial to lay off 91st regiment.

Sec. 3. *And be it further enacted*, That if the said court martial should not be able to complete the business in one day, they shall adjourn, from day to day, until the same be finished: Adjourned meetings.

and the proper officers shall proceed, immediately after the adjournment of said court, to advertise elections for the proper officers of said regiment, battalions and company beats, make returns, and procure commissions, as now prescribed by law.

Approved, February 11th, 1843.

[No. 75.]

AN ACT

To provide for the re-covering of the State Capitol.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of fifteen hundred dollars be, and the same is hereby appropriated, for the purpose of recovering the State Capitol, and of repairing the roof of the same, to be paid out of any money in the Treasury not otherwise appropriated; and that the Governor be, and he is hereby authorized and required to employ some suitable person or persons to re-cover the Capitol, and to repair the roof thereof, according to the intention of this law: *Provided*, that no more be expended for said purpose than the sum herein appropriated.

Approved, 2d February, 1843.

[No. 76.]

AN ACT

To repeal an act entitled an act, to incorporate the town of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the above recited act incorporating the town of Talladega, in the county of Talladega, approved, January the ninth, eighteen hundred and thirty-five, be and the same is hereby repealed.

Approved, 4th February, 1843.

[No. 77.]

AN ACT

To alter and define the Northern Boundary line of East Wetumpka.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the North East fractional quarter of section twenty four, of township eighteen, and range eighteen in the District of Lands for sale at Cahawba, be and the same is hereby excluded from the corporate limits of East Wetumpka.

Approved, 12th January, 1843.

[No. 78.]

AN ACT

To reduce the fees of the Clerks of the several Courts of this State, Sheriffs, and other officers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the fees of the Clerk of the Supreme Court shall be reduced twenty-five per cent on the amount now allowed by law. Fees of Clerk of S. Court reduced.

Sec. 2. *And be it further enacted,* That the Clerks of the Circuit and County Courts, and sheriffs, for all extra services, shall receive the sum of fifty dollars, in lieu of the sum now allowed, to be paid as heretofore. Fees of Sheriffs & Clerks of Circuit and County clerks

Sec. 3. *And be it further enacted,* That Judges of the County Courts shall, in place of the fees now allowed by law, receive the following fees: Judges of County Court.

For granting letters testamentary or of guardianship or of administration, one dollar and fifty cents:

For any order, necessary in any case over which said Judges have jurisdiction, fifty cents:

On judgments and decrees, two dollars:

For examining, stating and reporting the accounts of an executor, administrator, or guardian, two dollars: which last fee shall include compensation for examining vouchers and performing every service connected with the partial or final settlement of an estate, except the grant of letters and necessary orders:

For every day employed in the settlement of an estate, one dollar and fifty cents.

Sec. 4. *And be it further enacted,* That Registers in Chancery shall receive the following fees, and none other: Register's fees.

For each subpoena, twenty-five cents:

For entering each return, ten cents:

For entering each decree, twenty cents:

For each copy of a bill or answer, ten cents, for each hundred words:

For each report, one dollar and fifty cents:

For making a complete record, ten cents for every hundred words:

For each execution, twenty-five cents:

Commissions on sales—for the first hundred dollars, two per cent: for all over one hundred, and under one thousand dollars, one per cent: for all sums over one thousand dollars, one half per cent: which commissions shall be calculated upon the amount for which the property shall be sold:

For making a deed to property sold, one dollar:

For each bond taken and approved, twenty-five cents:

For each certificate and official seal, twenty cents:

For every paper or record, not included in the above, ten cents, for every hundred words copied or recorded.

Sheriff or
Coroner.

Sec. 5. *And be it further enacted*, That no sheriff or coroner shall charge commissions upon any execution, unless such execution shall have been actually levied upon the property of the defendant and the money made thereon, or be stayed by the order of and the money paid to the plaintiff, and no commissions shall be charged, but upon the amount of money actually collected. And where, after a levy of execution upon the property of the defendant, the proceedings upon such levy are stayed by any process of the law, the sheriff or coroner shall not be entitled to charge half commissions.

Sec. 6. *And be it further enacted*, That no officer entitled to fees under this act shall be entitled to receive or demand such fees, or any of them, unless the duty or service for which granted is first performed.

Letters testa-
mentary &c

Sec. 7. *And be it further enacted*, That the Judges of the several County Courts shall demand and receive a fee for but one order in the grant of letters testamentary of administration or of guardianship; and a fee for but one decree in the settlement of insolvent or other estates.

Bill of costs.

Sec. 8. *And be it further enacted*, That the Clerks of the Circuit Courts, Clerks of the County Courts, Registers in Chancery, and all other officers entitled to fees or costs under this act, or any law now in force, and not hereby repealed, shall, on demand, make out a bill of fees and costs, stating each item distinctly, and no fee shall hereafter be charged by, or allowed to any of said officers for taxing costs, or any copy thereof.

Marriage li-
cense.

Sec. 9. *And be it further enacted*, That Clerks of the County Courts shall receive for a marriage license and bond, one dollar, and no more.

Sec. 10. *And be it further enacted*, That all laws interfering with the provisions of this act be, and the same are hereby repealed.

Penalty for
overcharges.

Sec 11. *And be it further enacted*, That if any of the officers herein named, shall presume to demand and receive any other or higher fees than are prescribed by this act, he shall be liable in damages to the party aggrieved, for four fold the fees so unlawfully demanded and received, to be recovered in any court of competent jurisdiction; and moreover, shall be liable to indictment, and on conviction, may be fined in any sum not exceeding one hundred dollars, for each and every case, at the discretion of the jury trying the same.

Sec. 12. *And be it further enacted*, That this law shall be in force from and after the tenth of March next, and the Secretary of State be required to publish the same immediately after its passage, by one insertion in each of the papers published in the town of Tuscaloosa.

Approved, 13th February, 1843.

[No. 79.]

AN ACT

To organize the County of Coffee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Judge of the County Court of the County of Coffee, to hold or cause to be held, an election in said county, on the first Monday in March next, at the different election precincts in said county, an election for the Clerk of the Circuit Court, a Clerk of the County Court of said county, a Sheriff, a Tax Collector, and four Commissioners of Roads and Revenue of said county, by advertising at three of the most public places in said county, at least twenty days previous to said election, together with an advertisement at Bridgeville in said county.

Election for county officers.

Sec. 2. *And be it further enacted,* That it shall be the duty of said Judge, to summons one Justice of the Peace or some other suitable person to attend each precinct, to manage and conduct said election in said county, whose duty it shall be to cause the several election returns to be carried to the election precinct at Bridgeville, on the next day after said election, which said returns, shall be directed to said managers, of said election, at Bridgeville, whose duty it shall be forthwith, to make a proper return of the same, to said Judge of the County Court, aforesaid.

How conducted.

Sec. 3. *And be it further enacted,* That it shall be the duty of said Judge, forthwith to make a certified statement of said election, to the Governor of the State of Alabama, whose duty it shall be forthwith to commission said officers.

Returns.

Sec. 4. *And be it further enacted,* That if from any cause said election should not be held on the day aforesaid, that said Judge is hereby authorized and required to hold said election, as soon thereafter as convenient, by giving ten days notice of time and places aforesaid.

Failure to hold election.

Sec. 5. *And be it further enacted,* That if said Judge shall fail to comply with the provisions of this act, that he shall forfeit and pay the sum of five hundred dollars, to be recovered upon motion of the Solicitor in the Circuit Court of the county aforesaid, for the use of said county.

Penalty for neglect of duty, by Judge county court.

Approved, 23d December, 1842.

[No. 80.]

AN ACT

To confer certain powers on the Mayor of the city of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Mayor of the city of Tuscaloosa, shall have, and may exercise all the powers of a Justice of the Peace, within the corporate limits of said city of Tuscaloosa.

Approved, 14th February, 1843.

[No. 81.]

AN ACT

To incorporate the Huntsville Mechanics' Benevolent Association.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That George Steele, Joseph Clarke, William Brandon, William Hale, Jared I. Sample, and their associates and successors, be, and they are hereby declared a body politic and corporate, under the name and style of the Huntsville Mechanics' Benevolent Association.

Powers

Sec. 2. *And be it further enacted*, That said body corporate shall have power to adopt such a constitution and by-laws as may seem to them to be fit, not inconsistent with the constitution and laws of this State.

Powers.

Sec. 3. *And be it further enacted*, That said body corporate, by their said corporate name, shall have power to sue and be sued, to contract and be contracted with, to acquire and hold personal property, and to acquire by gift or purchase, real property to the value of thirty thousand dollars: *Provided*, that such real property shall be appropriated and used exclusively for the purpose of erecting suitable buildings for schools and a library.

Proviso.

Approved, 12th January, 1843.

[No. 82.]

AN ACT

To incorporate the Town of Tuskegee, in the County of Macon.

Incorporation
and election.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Tuskegee, in the county of Macon, be, and the same is hereby incorporated; and there shall be elected, on the first Monday in May next, an Intendant and four Councilmen, for said town; and on the first Monday in May, annually thereafter, an election shall be held for said officers.

Name and
style.

Sec. 2. *And be it further enacted*, That the name and style of said incorporation shall be "the Intendant and Council of the town of Tuskegee," and by that name they may sue and be sued, plead and be impleaded, take and hold property, real and personal, and the same sell and dispose of, in such manner as may be most beneficial to said town, and not inconsistent with the laws of the land.

Election for
Intendant and
Councilmen.

Sec. 3. *And be it further enacted*, That P. P. Carloss, Thomas C. Preer and W. D. Hodnott, be, and they are hereby authorized to hold an election in said town, on the first Monday in May next, for an Intendant and four Councilmen, at which election, and at every subsequent annual election, all persons shall be authorized to vote, who are qualified to vote for members of the General Assembly of this State; and in case the three per-

sons above named fail or refuse to hold said election, then, and in that case, any other three citizens of said town may hold the same.

Sec. 4. *And be it further enacted,* That should any vacancy occur in said board of officers, by resignation or otherwise, it shall be the duty of the board to fill said vacancy, until the next annual election thereafter; and all annual elections shall be held by the Intendant and Council last in office, or a majority of them. Vacancies.

Sec. 5. *And be it further enacted,* That the limits of the corporation aforesaid, shall extend the distance of a half mile in every direction from the courthouse in said town; and the Intendant and Council of said town shall exercise jurisdiction within the limits specified. Limits

Sec. 6. *And be it further enacted,* That the Intendant and Council, or a majority of them, are hereby vested with full power to keep open the streets and alleys of said town; to preserve the peace and good order of the same; to suppress affrays; to fine for assaults and batteries, and the same to collect; to keep the streets in repair; and to pass all by-laws for carrying the powers herein mentioned into effect, and all other powers necessary for the government of said town, and not inconsistent with the laws of the State. Corporate powers.

Sec. 7. *And be it further enacted,* That the said Intendant and Council shall have power to levy a tax on the inhabitants and property of said town, to raise money for the government and management of the affairs of said corporation.

Sec. 8. *And be it further enacted,* That the said Intendant and Council shall, on the day succeeding the day of their election, select by ballot, a Clerk and Marshal for said town; and it shall be the duty of the Clerk to issue all executions for fines and taxes that may be necessary, which he shall sign and deliver to the Marshal, whose duty it shall be to levy and collect the same, and pay over the money so collected to the Treasurer, who shall likewise be elected by the Intendant and Council, at the time of electing the Clerk and Marshal. Clerk and marshal.

Sec. 9. *And be it further enacted,* That the Intendant and Council shall have power to remove from office the Clerk, Marshal or Treasurer, at pleasure, and appoint others, at any time, in their place; and shall prescribe and fix the compensation to be allowed to each of said persons, and shall take bond and security from each for the faithful discharge of his office, if they deem it proper so to do. Powers of council.

Sec. 10. *And be it further enacted,* That all laws militating against this act be, and the same are hereby repealed.

Approved, 13th February, 1843.

[No. 83.]

AN ACT

To amend the Charter of the City of Montgomery.

Election of
marshal and
clerk.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the qualified voters for Mayor and Aldermen in the city of Montgomery, shall hereafter be authorized to vote for and elect, annually, a Marshal and Clerk, at the same time, and under the same regulations, which are now prescribed in the city charter for the election of Mayor and Aldermen: *Provided, nevertheless,* that the Marshal and Clerk so elected, for maladministration in office, shall be subject to removal by the City Council; and all vacancies thus created, shall be filled by the said Council; and in all other respects, the said Marshal and Clerk shall be governed as heretofore prescribed by law.

Approved, 4th January, 1843.

[No. 84.]

AN ACT

To incorporate the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama.

Persons in-
corporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Alexander L. P. Green, Thomas Madden, Ambrose F. Driskill, Joshua Butcher, Frederick G. Ferguson, Daniel Coleman, Ira E. Hobbs, Benjamin W. Maclin, Thomas Bass, James F. Lowell, Thomas S. Malone, James C. Malone, William Richardson, George S. Houston, Richard W. Vasser, Jonathan McDonald and James Craig, and their associates and successors in office, are hereby constituted a body corporate and politic, in deed and law, by the name and style of the Trustees of the Female Institute of the Tennessee Annual Conference of the Methodist Episcopal Church, at Athens, Alabama, and by that name shall have full power and authority to have and use a common seal, and the same to break, alter, and renew at pleasure; to sue and be sued, plead and be impeaded, answer and be answered unto, in all kinds of actions; to receive donations, and make purchases of property, which shall inure to them and their successors in office; and to hold real and personal estate, not exceeding in value sixty thousand dollars, over and above its library and apparatus; and to pass all such by-laws, rules and regulations, as the said corporation may deem expedient, the same not being repugnant to the constitution of the United States, or of this State.

Name and
style.

Powers.

Powers.

Sec. 2. *And be it further enacted,* That eight trustees shall always constitute a quorum for the transaction of business, and a majority of said trustees shall have power to fill all vacancies which may occur from any cause: *Provided,* that no appointment made by said trustees, shall extend longer than the ensu-

ing session of the Annual Conference: *And provided further*, that the Conference aforesaid shall, at its annual session, have power to fill permanently, all vacancies which may have occurred as aforesaid; and the trustees shall report to the Conference, at each annual session, the state of the funds committed to their charge, with such recommendations, with regard to the improvements thereof, as to them seem advisable. Proviso.

Sec. 3. *And be it further enacted*, That said trustees shall have power to elect a President, Vice President, Secretary and Treasurer; to prescribe the duties of each, and to appoint teachers, as to them may seem expedient; define the rates of tuition, and the same to increase or diminish, at pleasure, and to appoint the time of their own meetings. Organization of board.

Approved, January 9th, 1843.

[No. 85.]

AN ACT

To incorporate the Town of Goldville, in Tallapoosa County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the town of Goldville in Tallapoosa county, shall be and is hereby incorporated, in and under the name of the town of Goldville, and the corporate limits of said town shall extend one half mile in every direction from the centre of said town, or that portion of it reserved as the public square. Corporate name.

Sec. 2. *And be it further enacted*, That James A. Barr, Lawrence Gahagan, Toliver L. Austin, William Rodgers, G. W. Crawford, and John S. Carr, or a majority of them, be and they are hereby appointed commissioners, for the organization of said town, whose duty it shall be to hold an election for five town commissioners for said town, on the first Monday of March next. Election.

Sec. 3. *And be it further enacted*, That every free white male inhabitant, who, on the first day of March next, may reside in the limits of said town, over twenty-one years of age, shall be entitled to vote in said election for town commissioners, and that the five commissioners as elected shall hold their office for twelve months, and elect from their own body, an Intendant, whose duty it shall be to preside over the meetings of said board. Qualification of voters.

Sec. 4. *And be it further enacted*, That said commissioners so elected, shall have power to fill all vacancies that may occur by death, resignation, or removal, and to elect a Secretary for the recording of all proceedings of said meeting, and a town Marshal, whose duty it shall be to execute all process issued by the said Intendant. Powers of Commissioners.

Ordinances.

Sec. 5. *And be it further enacted*, That said commissioners shall have power to pass all laws and ordinances for the better regulation of said town, not repugnant to the laws and Constitution of the State of Alabama, or of the United States.

Approved, 25th January, 1843.

[No. 86.]

AN ACT

To establish lost Records in Henry County.

Commissioners appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That George W. Williams, Woodson L. Ligon and Seymour White of Henry County, be and they are hereby appointed commissioners, any two of whom shall have power to take and reduce to writing, testimony touching the contents of any paper, process, proceeding or record pertaining to the circuit court of said county, or to any cause therein, lately destroyed by fire.

Duty and powers of commissioners, and mode of proceedings.

Sec. 2. *And be it further enacted*, That when any party to any cause, matter, or proceeding heretofore determined, or pending in said court, shall desire to establish against the adverse party any writ, process, notice, declaration, or other pleading whatsoever, or any judgment, order or record whatsoever in the matter or cause, he, she, or they shall notify such adverse party in writing, to be served as ordinary process, at least five days before hearing, of the time and place of offering the proofs, to establish the same; and said commissioners, or any two of them, at the time and place specified in such notice, shall in a well-bound record book, to be by them indexed, record the substance of the notice and return thereon, and of the proofs offered on the matters specified therein: *Provided*, that on the day of proving declaration or bill the defendant may, without other notice, prove his plea, answer or demurrer thereto, as also the contents of any depositions or written testimony, he hath taken or filed in the matter or cause; but the commissioners may continue a hearing from time to time, on reasonable showing, and after the testimony *pro and con*, touching any cause or matter is concluded, a majority of said commissioners shall state, upon their record, the result in substance established thereby: and as to the writ, it shall only be necessary that such statement shall specify, as near as may be, to what term it was returned executed, and the parties, and the substance of the endorsement thereon; and as to the declaration, to state the cause of action therein, with as much particularity as may be; and so of any plea, deposition or other paper, record, or proceeding whatsoever: *Provided*, that in establishing *ex parte* proceedings, or any other proceedings whatsoever, the parties

in interest, as against whom it is sought to establish the same, Proviso. shall not be entitled to other notice than by law, they were entitled to in the original proceedings so sought to be established; but in suits in law or equity requiring personal service, the defendant shall establish no judgment, verdict, or decree, against the plaintiff, without personal notice, or such as is hereinafter provided for.

Sec. 3. *And be it further enacted*, That where any party in interest to such proceedings to establish, is a non-resident of this State, or deceased without a known resident representative, notice otherwise required to be personal, may be effected by three publications in the nearest newspaper published in this State. When notice by publication to be made.

Sec. 4. *And be it further enacted*, That any judgment of said commissioners on the premises, shall be subject to the revision of the circuit court, settling in said county, next after the rendition thereof, and if approved thereby, shall be established: *Provided*, that a writ of error may lie to the Supreme Court, upon any such judgment of approval or disapproval, and whether the subject thereof be final or interlocutory only: *And provided further*, that nothing in this act contained, shall prevent said circuit court from establishing any burned or lost paper, process, record, or proceeding thereof, as heretofore it might or could do: *And provided further*, that the party or parties to be affected shall have at least ten days notice of the time and place of such application. Revision of commissioners' judgment Provisos.

Sec. 5. *And be it further enacted*, That said commissioners for their said services, shall be paid out of the county treasury of said county, such sum as may be allowed by the court of roads and revenue of said county. Commissioners' compensation.

Approved, 14th February, 1843.

[No. 87.]

AN ACT

To revive an act entitled an act to incorporate the town of Fairfield, in the county of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act entitled an act to incorporate the town of Fairfield in the county of Pickens, approved February the second, one thousand eight hundred and thirty-nine, be and the same is hereby revived and made of full force and effect, except as hereinafter provided for. Act revived

Sec. 2. *And be it further enacted*, That T. J. Clark, Richard H. Faircloth, and A. B. Tweedy, be and they are hereby authorized and empowered to hold an election, (as managers,) for town officers, as prescribed in the second section of the above recited act. Election

Approved, 27th January, 1843.

[No 88.]

AN ACT

To incorporate the Town of Greenville, in the county of Butler, and for other purposes.

Town incor-
porated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the town of Greenville, in the county of Butler, be, and the same is hereby incorporated; that the corporate limits of said town shall extend two hundred yards north, east and south, and eight hundred yards west of the courthouse, in said town, inclusive.

Election.

Sec. 2. *And be it further enacted,* That John Bolling, Alexander McKellar and John K. Henry, or a majority of them, shall hold, at the courthouse in said town, on the second Saturday in March next, an election, between the hours of ten A. M. and four P. M.; for the purpose of electing five persons, inhabitants of said town, one of whom shall act as Intendant, the others to act as Councillors, thereof; a majority of whom shall constitute a quorum, to do business.

How held
hereafter.

Sec. 3. *And be it further enacted,* That on the first Monday in January next, and on that day every succeeding year, the sheriff of Butler county shall cause to be held an election for Intendant and Councillors, after having given ten days' notice in three of the most public places in said town; which said election shall be managed by three discreet persons, selected by the sheriff aforesaid: and in said election, every free white male of twenty-one years of age, who has resided in said town two months next preceding said election, shall be entitled to vote, by ballot, for the officers aforesaid: *Provided,* that if the sheriff should fail to hold an election, as herein directed, at the time appointed herein, it shall be his duty to advertise, in three of the most public places in said town, setting forth the time, (not exceeding ten days,) at which he will hold an election for Intendant and Councillors for said town.

Intendant and
councillors to
be sworn.

Sec. 4. *And be it further enacted,* That the said Intendant and Councillors shall take oaths required of all civil officers in this State, and an oath to discharge, without favor or partiality, the duties imposed by this act. That the Intendant of said corporation shall, *ex-officio*, have and possess all the powers of a justice of the peace: *Provided,* that he shall first take the oaths required of other justices of the peace, and give the like bond and security: *And provided further,* his jurisdiction, in all civil cases, shall not extend beyond the limits of said town, unless the contract upon which suit is brought, shall have been made and entered into there.

Proviso.

Powers.

Sec. 5. *And be it further enacted,* That the Intendant and Councillors be, and they are hereby declared to be a body corporate; and in the name of Intendant and Councillors of Greenville, shall be known, and shall sue and be sued, grant, receive

and do all other acts as natural persons; and may purchase and hold property, real and personal, and dispose of the same, for the benefit of said town; and they shall have a seal, which may be altered at pleasure.

Sec. 6. *And be it further enacted*, That the Intendant and Councillors, or a majority, shall have power to appoint a Secretary to the incorporation, who shall hold his office until the next general election for officers of said town; but subject to be removed by the Intendant, and three-fourths of the Councillors; also to appoint an Assessor or Tax Collector, a Treasurer and Constable; to pass by-laws and ordinances, not inconsistent with the constitution and laws of this State; to repair the streets and avenues of said town; to inflict appropriate fines and penalties, for violation of any of their by-laws and ordinances, made as aforesaid: *Provided*, that in any one case, not exceeding ten dollars' fine shall be imposed, and they shall not have power to imprison any person, for any offence, a longer time than twelve hours; they shall also have power to lay taxes, and provide for the collection of the same; to prohibit the nightly and other meetings or disorderly assemblies of slaves, free negroes, and other knavish and disorderly persons; to enforce the collection of fines and penalties for violating any of the by-laws or ordinances, adopted for the government and internal police of said town.

Further powers.

Sec. 7. *And be it further enacted*, That the Secretary, Collector, Treasurer and Constable, of said corporation, before they enter upon the discharge of the duties of their offices, shall enter into bond, with security, to the Intendant, and his successors in office, in the sum of five hundred dollars, conditioned for the faithful performance of the duties of their offices, on which an action may be brought in the name of the Intendant, or his successors, for the use of the corporation or party injured, before any tribunal, having jurisdiction thereof.

Officers to give bond.

Sec. 8. *And be it further enacted*, That the Intendant and Councillors shall keep a record of their proceedings; that no by-law or ordinance shall be in force, until it shall have been posted upon the courthouse doors, at least ten days; that the record of their proceedings shall at all times be open to the inspection of persons interested therein.

Record to be kept.

Sec. 9. *And be it further enacted*, That the Constable of said town, appointed as aforesaid, shall execute all process issued by the Intendant, in pursuance and execution of this act, and shall have the same fees as State officers for like services.

Constable's powers.

Sec. 10. *And be it further enacted*, That all laws, or parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed: *Provided*, that nothing herein contained, shall be so construed as to authorize the said incorporation to exercise the powers of banking.

Proviso.

Approved, February 14th, 1843.

[No. 89.] AN ACT

To amend an act entitled an act to incorporate the Oak Bowery Male and Female Academy.

Name changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, the Oak Bowery Male and Female Academy shall be known by the name of the Chambers Collegiate Institute.

Powers.

Sec. 2. *And be it further enacted*, That Henry C. Marcell, J. Alma Pelot and their successors in office, together with the present board of Trustees shall have power to confer degrees, and fill vacancies, both in the board of Trustees and Professors:

Proviso.

Provided, that no vacancy shall be filled, unless there be present and voting a majority of the Trustees.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act be and the same are hereby repealed.

Approved, 1st February, 1843.

[No. 90.] AN ACT

To incorporate the Montgomery Hook and Ladder Company.

Persons incorporated.

Name and style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Hugh P. Caffey, James D. Randolph, Patrick N. Madegan, Henry W. Farley, and George Cowles and such other persons, as they may hereafter associate with them, and their successors in office, be and they are hereby constituted a body corporate, in deed and law, by the name and title of "the Montgomery Hook and Ladder Company," and the said corporation, by that name aforesaid, shall have and enjoy a perpetual succession of officers and members, to be appointed or elected in such a manner and according to such a form, as may be prescribed by the rules and regulations made for the government of said corporation, and that they may have a common seal, and the same to break, alter, and renew at pleasure.

Corporate powers.

Sec. 2. *And be it further enacted*, That the said corporation, shall be able and capable in law, to purchase, have, hold, receive, possess, enjoy, and retain to itself in perpetuity, or for any term of years, any estate, real or personal, of what kind or value whatsoever, not to exceed ten thousand dollars in value, and the same to use, grant, mortgage, rent alien, demise or dispose of, in such manner as they may think proper, and by its name above mentioned, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all manner of actions, suits, and matters and things, depending in any court of

law and equity in this State, and to make such rules and regulations, for the government of said corporation, not repugnant to the Constitution of the United States, or of this State, as they may deem most expedient.

Sec. 3. *And be it further enacted*, That for the present, the officers of said corporation, shall be managed and conducted by the following individuals, who shall hold their office in said corporation, until there shall be a new election of officers, to wit: Hugh P. Caffey, first director, James D. Randolph, second director, Patrick N. Madegan, third director, Henry W. Farley, secretary, and George Cowles, treasurer. Directors of corporation.

Sec. 4. *And be it further enacted*, That the members of said corporation shall consist of not less than twenty-five nor more than one hundred, and that they shall be over fifteen and under sixty years of age. Number and eligibility of members.

Sec. 5. *And be it further enacted*, That it shall not be lawful for said corporation in any manner, to use its capital stock, or funds for banking purposes. Restriction.

Sec. 6. *And be it further enacted*, That in order that said corporation may be perpetuated and augmented, that the members thereof, are hereby exempted from serving on juries or performing military duty. Exemption of members.

Approved, 2d February, 1843.

[No. 91.]

AN ACT

To Incorporate the Town of Troy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Town of Troy, in the County of Pike, be, and the same is hereby incorporated, and that the corporate limits of said town, shall extend one-fourth of a mile, in every direction from the square, according to the plan of said town. Corporation and limits.

Sec. 2. *And be it further enacted*, That on the first Monday in February next, or so soon thereafter, as the Commissioners hereafter named, may think proper, there shall be an election by ballot for four Councillors and one Intendant, ten days notice of said election having been given, by advertising at the Court house door, and all free white persons being residents within said corporate limits, and over the age of twenty-one years, shall vote for four Councillors, and an Intendant, whose duty it shall be, to preside over the sessions of said Councillors, and preserve order; and the persons so elected shall continue in office until their successors are qualified, and appoint three householders within said corporate limits, to hold an election on the first Monday in February, in every year, at which time the Intendant and Councillors shall annually be elected. Election of councillors, &c.

First election by whom held Sec. 3. *And be it further enacted*, That the first election shall be held by James M. Thompson, Andrew P. Leve, James E. Williams and John Hanchy, or any two of them, and the Intendant and Councillors, shall take and subscribe the following oath: "I ——— do solemnly swear, that I will faithfully perform all the duties required of me by this act; so help me God."

Powers. Sec. 4. *And be it further enacted*, That said Intendant and Councillors shall have power to pass all laws and ordinances for the better regulation of said town, within said corporate limits, not repugnant to the Laws and Constitution of the State of Alabama, nor of the Laws and Constitution of the United States.

Powers of Intendant. Sec. 5. *And be it further enacted*, That said Intendant shall, *ex officio*, be a Justice of the Peace, whose jurisdiction shall not extend beyond the said corporate limits, within which he shall have the same judicial powers as other Justices of the Peace of said county, have in their respective beats, and shall take civil jurisdiction over all contracts made within the said corporate limits, he shall take and subscribe the same oath, and give the same bond which other Justices of the Peace of said county are required to take, subscribe and give, and in the exercise of his civil jurisdiction, he shall hold his courts monthly in said town, and apart from any other Justice of the Peace of said county.

Clerk and constable. Sec. 6. *And be it further enacted*, That said Intendant and Council shall have power to appoint their own Clerk and Constable; that said Constable shall give the same bond and security for the faithful performance of the duties of his office, as other constables of said county are required by law to give, and that he shall execute all precepts, warrants, summonses and attachments issued by said justice, within the meaning of this act, and levy all executions originating under the jurisdiction of said justice, and to do all official acts which may be necessary to enforce the jurisdiction of said justice.

Vacancies how filled. Sec. 7. *And be it further enacted*,¹ That should any vacancy occur, either by death, removal or otherwise, in the said office of Intendant, between the regular elections, then, and in that case, it shall be lawful for said Councillors to appoint some one within said corporate limits to fill such vacancy, who shall continue in office until the next regular election, and until his successor is duly qualified, and said Councillors shall have the power to fill vacancies occurring in their body, by appointment, within said corporate limits.

Sec. 8. *And be it further enacted*, That all persons living within said corporate limits, shall be exempt from working on roads without said corporation.

Approved, 4th February, 1843.

[No. 92.]

AN ACT

To Incorporate the Pleasant Ridge Male and Female Academy, in Wilcox County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Duncan C. Smith, John S. B. Robins, Charles F. Stewart, Claudius M. Pegues, William H. Fleming, Ephram Pharr and Tristram B. Bethea, be, and they are hereby constituted a body corporate, under the name and style of the Trustees of the Pleasant Ridge Male and Female Academy. Persons incorporated.

Sec. 2. *And be it further enacted*, That the said Trustees shall appoint one of their body to preside as President; shall have power to fill all vacancies that may occur in the trusteeship, and shall have authority to make all such by-laws for the regulation and government of said academy, as they or a majority of them may deem necessary, and to alter or amend the same at pleasure: *Provided*, such by-laws are compatible with the Constitution and Laws of this State, and the United States; to employ suitable teachers, and to make all such contracts as may be necessary to carry the said academy into complete operation. Organization

Sec. 3. *And be it further enacted*, That the said Corporation, by its corporate name, shall be capable in law of suing and being sued, of pleading and being impleaded, of holding and owning property, both real and personal, to an amount not exceeding ten thousand dollars, and of selling and conveying the same, and shall have and enjoy all such privileges and powers as are necessary to give full and complete effect to this act, according to its true meaning and intent. Corporate powers.

Sec. 4. *And be it further enacted*, That it shall not be lawful for any individual or co-partnership, to retail or sell ardent, or other intoxicating liquors within three miles of said male and female academy; and any person so offending, by violating the provisions of this act, he, she or they so offending, shall forfeit and pay the sum of five hundred dollars, recoverable before any court having competent jurisdiction thereof, by suit, to be brought in the name of the State of Alabama, for the use of Wilcox county, which fine shall go and be paid into the County Treasury, for the use of said county. Retailing spirituous liquors within three miles, prohibited.

Approved, 15th February, 1843.

[No. 93.]

AN ACT

To repeal in part an Act to incorporate the town of Blountsville, in Blount County, approved December 20th, 1837.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the eighth section of the above recited act be, and is hereby repealed.

Approved, February 10th, 1843.

[No. 94.]

AN ACT

To incorporate the Erosophic Society of the University of Alabama.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the "Erosophic Society of the University of Alabama," be and it is hereby established and declared a body corporate and politic, and by that name shall have power to receive and hold personal and real property, to sue and be sued, plead and be pleaded, to have and use a common seal, and to pass all laws for the internal government of the said Society, not inconsistent with the Constitution and laws of this State, nor with the by-laws and regulations of the Trustees and Faculty of said University.

Corporate
name and
powers.

Sec. 2. *And be it further enacted*, That all property belonging to the said Society, shall for ever be exempt from taxation.

Approved, 10th February, 1843.

[No. 95.]

AN ACT

To amend the Charters of the several Incorporated Cities and Towns of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the corporate authorities of the town of Gainsville, in the county of Sumter, shall have power to levy the same tax on itinerant or transient merchants who remain in said corporation less than one year, as is levied on permanent merchants, which tax shall be sued and collected at any time the corporate authorities may direct.

Power to levy
tax.

Sec. 2. *And be it further enacted*, That the provisions of this act be, and the same are hereby extended to every incorporated city or town in the State.

Provisions
extended.

Approved, 13th February, 1843.

[No. 96.]

AN ACT

To incorporate the Alabama Military and Scientific Institution.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Charles H. Goldsborough, William L. Cowan, George L. Barry, William Wellborn, Alexander Crawford, John Gill Shorter, James L. Pugh and William H. Thornton, of Eufaula, in Barbour county, and their associates and successors, are hereby declared a body corporate, by the name and style of The Alabama Military and Scientific Institution, with all the rights and powers necessary and proper to a body corporate for the promotion of education: *Provided*, that this act may at any time be repealed or modified.

Approved, February 15th, 1843.

[No. 97.]

AN ACT

To incorporate the Warrior Manufacturing Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James B. Wallace, John R. Drish, William Cochran, William G. Parish, Daniel H. Bingham, and Willis Banks, with such other persons as may be associated with them, be and they are hereby created and constituted a body corporate and politic, under the name and style of the Warrior Manufacturing Company, and by that name shall be capable in law, to have, hold, purchase, receive, possess, enjoy, and realize to themselves and their successors, lands, rents, tenements, hereditaments, goods, chattels, and effects of whatsoever kind, nature or quality, necessary or proper to carry out the objects of this act, and the same to work, sell, lease, grant, demise, alien, or dispose of at pleasure: to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of law or equity in this State; and also to make, have, and use a common seal, and the same to change, alter, and renew at will; and generally to do and perform all and singular, such matters, acts, and things, as to them may seem necessary and expedient to carry into effect, the objects and purposes of said incorporation: *Provided*, that said company shall do nothing, which may be repugnant to the Constitution and laws of this State, or of the United States.

Persons incorporated.

Name and style.

Corporate powers.

Sec. 2. *And be it further enacted*, That for the well ordering and conducting of the affairs of said corporation, there shall be six directors, and James B. Wallace, John R. Drish, William Cochran, William G. Parish, Daniel H. Bingham, and Willis Banks, be and they are hereby appointed the first directors under this act, who shall hold their office until the first Monday in March, one thousand eight hundred and forty-four, on which day and on the first Monday in March annually thereafter, the directors shall be chosen from the members of said company, by the stockholders, when a majority of all the stock represented at such election, shall be necessary to a choice; and the directors appointed by this act, as well as those who may hereafter be elected, as also any agent or other officer of trust, shall before entering on the duties of their respective offices, take and subscribe an oath, faithfully to perform their duties as such directors, agent or other officer, and shall hold their offices, until their successors are elected and qualified; and the said directors at their first meeting after the passage of this act, and after each election, shall choose from among their number, a president and also a treasurer, and in case of the death, resignation, or removal from the State, or refusal to act, of either, the said directors shall proceed to fill such vacancy by a new election for the remainder of the year: and in case of the

Directors appointed.

Directors hereafter chosen.

death, resignation, removal from the State or refusal to act, of any director, his place shall be filled by the remaining directors; three of whom shall at all times constitute a quorum to do business.

Capital stock. Sec. 3. *And be it further enacted*, That the capital stock of said company shall not exceed the sum of three hundred thousand dollars; divided into shares of one hundred dollars each, and the said company are hereby invested with full power and authority to employ the same or any part or portion thereof, in the manufacture of cotton or wool, or any fabric of which cotton, wool, flax, or hemp, shall form a constituent part; and the directors appointed by this act, or a majority of them or the agent appointed by them, shall have power to open books for the subscription to the capital stock of said company, subject to such regulations, limitations and conditions, and at such times and places, as they may judge best for the interests of said corporation; and as soon as the capital stock shall have been subscribed, or as much thereof as the directors or a majority of them, may deem sufficient and necessary to commence the business of said company, they shall proceed to select some place where the business and operations of said corporation shall be conducted; the books of the company kept, and all transfers of stock shall be made on such books, at such place, by the person or persons owning the same, or by his, her, or their attorney, properly constituted according to law, and it is hereby made the duty of the president of said directors, to issue certificates under the seal of the corporation, to the subscribers specifying the number of shares of stock, to which each subscriber may be entitled, and all dividends which may be declared by the directors, shall be paid or passed to the credit of the *bona fide* holder or owner of such certificate, or to his, her, or their legal representative.

Subscribers of stock. Sec. 4. *And be it further enacted*, That upon the failure or refusal of any subscriber to the capital stock of said company to pay his, her, or their stock, or any instalment thereof, which may be called for by the directors, the share or shares belonging to such subscriber, shall upon such failure or refusal to pay, be forfeited to the use of said company, and the same shall be again sold and disposed of at public sale, after giving twenty days notice, in such manner as said directors shall order and direct; and in case the said share or shares of stock shall not bring its par value at such sale, deficiency may be collected from such defaulting subscriber or stockholder, on motion in any court having competent jurisdiction of the same: **Provided** always, it shall be optional with said directors, either to direct a re-sale of such forfeited stock, or proceed to collect the same from such defaulting stockholder.

Proviso. Sec. 5. *And be it further enacted*, That in the event, it

shall be found practicable to use the water power at the Falls of the Warrior at Tuscaloosa, the said directors are hereby authorized and invested with full power to do so: and shall be privileged to erect and construct such dam as may be necessary to secure a sufficient supply of water, and may occupy and use the margin of said river, at any point intervening between low and high water mark, from the head to the foot of said Falls.

Water power
may be used

Sec. 6. *And be it further enacted*, That the number of votes, to which each stockholder shall be entitled, shall be equal to the number of shares of stock, he, she, or they may hold, each share being entitled to one vote: *Provided*, that no stockholder shall be entitled to more than one hundred votes, nor shall any share or shares confer the right of suffrage, which shall not have been owned and held for three calendar months next preceding any election; and any stockholder about to be absent, may constitute another stockholder, his, or her proxy, under seal, to vote at any election.

Votes of
stockholders.

Sec. 7. *And be it further enacted*, That if any one of the directors shall at any time, during the period for which he may have been elected, cease to be a stockholder, his seat in the board, thereupon shall be vacated, and the remaining directors shall at their first meeting thereafter fill such vacancy.

Directors
seats may be
vacated.

Sec. 8. *And be it further enacted*, That the directors for the time being, shall have power to appoint such officers, agents, and clerks, and to employ such artisans, mechanics, machinists, and laborers, as they may deem necessary, and allow them such compensation as they may deem just and reasonable; and also to purchase such machinery, tools, and utensils as they may deem necessary.

Power of Di-
rectors.

Sec. 9. *And be it further enacted*, That any member of stockholders, who together, shall own one half of the capital stock in said company, may at any time call a general meeting of the stockholders, by giving twenty days notice, and stating the object of such meeting, in some public print in the city of Tuscaloosa.

General meet-
ings may be
called.

Sec. 10. *And be it further enacted*, That the directors shall cause to be kept, fair and regular entries of their proceedings, in a book to be kept for that purpose, and when a director shall desire it, the yeas and nays of the directors voting, shall be entered on their minutes, which book shall at all times be open to the inspection of the stockholders: they may establish such by-laws, rules, and regulations, for the government of all concerned, as they may deem necessary, and shall have power from time to time to call for the payment of such instalments of the capital stock, as the exigences of the company may require, upon giving twenty days notice of the time and place of payment: they shall have power, and it is hereby made their

Record of pro-
ceedings to be
kept.

Proviso.

duty to declare dividends of the profits on the capital stock semi-annually, which dividends shall be determined, by a majority of the directors, at a meeting to be held for the purpose, and shall be paid on demand, to the person or persons authorized to receive the same: *Provided*, it shall be lawful for the directors, with the concurrence of a majority of the stockholders in said company, to apply said dividends to increasing the capital stock of said company, and to issue certificate or certificates to the person or persons entitled to receive the same, as so much of the capital stock.

Liabilities of stockholders.

Sec. 11. *And be it further enacted*, That the stockholders are held, and shall be liable individually for the debts of said corporation, to the amount of their stock respectively, but the funds of the corporation shall not be liable for any debts, unless the same shall have been contracted by the President or agent of said company, under its corporate seal: *Provided*, that this act shall not be construed to authorize said corporators to issue change tickets or bills to subserve the purpose of money.

Reservation.

Sec. 12. *And be it further enacted*, That nothing in this act shall operate to authorize the erection of any mill, buildings or appurtenances, which shall obstruct the navigation of the Black Warrior river.

Approved, 30th January, 1843.

[No. 98.]

AN ACT

To extend the provisions of the third section of an act entitled an act to incorporate the town of Camden, in the county of Wilcox.

John P. Fairley and F. K. Beck.

Election.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That the provisions of the third section of an act entitled an act to incorporate the town of Camden, in the county of Wilcox, be extended so as to authorize John P. Fairley, F. K. Beck, and Jas. J. Johnson, or a majority of them to hold an election on the first Monday in January, eighteen hundred and forty three, for Intendant and four Councillors, and that on the first Monday in each and every year thereafter, all elections shall be held under the act of incorporation, approved December thirtieth, eighteen hundred and forty-one, for Intendant and four Councillors, by three persons, or a majority of them appointed by the acting Intendant, and in case of failure to hold any of said elections at the above mentioned times, the persons so authorized and appointed to hold said elections, shall and may, at any time thereafter, upon giving ten days notice, hold said elections.

Approved, January 12th, 1843.

[No. 99.]

AN ACT

Further to amend the Charter of the Alabama Life Insurance and Trust Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That* hereafter the board of Trustees of the Alabama Life Insurance and Trust Company, shall consist of fifteen members instead of twenty; which fifteen Trustees, shall be divided into five classes, numbered from one to five, each class to consist of three members; they shall have all the powers appertaining to the said board as heretofore, and all Trustees hereafter appointed, except when to fill vacancies temporarily, as hereinafter provided, shall be elected by the stock holders.

Constitution
of Board.

Classification

Sec 2. *And be it further enacted,* That as soon as practicable, the present Trustees of said company shall proceed to make a new classification among themselves, limiting the number to fifteen, and shall by lot, determine to which class each Trustee shall belong; after which classification, the Trustees of each class shall hold their offices till the time of the expiration of the term of service of their respective classes; the term of service of the first class shall expire on the second Monday in December, eighteen hundred and forty-three; that of the second, on the second Monday in December, eighteen hundred and forty-four; that of the third, on the second Monday of December, eighteen hundred and forty-five; that of the fourth, on the second Monday of December, eighteen hundred and forty-six; and that of the fifth, on the second Monday in December, eighteen hundred and forty-seven; the Trustees for the first class shall be again elected on the same day in the year, eighteen hundred and forty-eight, and so on in regular rotation, one class shall be elected annually.

How made.

Sec. 3. *And be it further enacted,* That all Trustees to be hereafter appointed or elected, shall be citizens of the State of Alabama, and residents of the county of Mobile; each Trustee shall also be the owner, in his own right, of at least one thousand dollars of the capital stock of the said corporation; and when any Trustee shall cease to have any of the said qualifications, his seat shall be declared to be vacated, and any Trustee absenting himself from said county for more than six months at a time, without leave of the board, shall thereby, vacate his seat; the said Trustees shall, annually, elect one of their board President of the said company; any President or Trustee, whose term of office shall expire by limitation, shall continue to hold his seat till his successor is appointed.

Eligibility to
Trusteeship.

Election of
President.

Sec. 4. *And be it further enacted,* That all vacancies in the office of Trustee, shall be filled by the board till the succeeding annual election, when such vacancy shall be permanently filled by the stockholders; and the vacancies thus filled permanently shall entitle the Trustees elected, to hold till the regular ex-

Vacancies.

Qualifications
for President.

piration of the time of the classes so filled. The board shall also fill all vacancies in the office of President, and the President shall have the same qualifications as are required of Trustees, and shall vacate his office for the like causes.

Elections for
Trustees,
when held
and how con-
ducted.

Sec. 5. *And be it further enacted*, That on the second Monday of December, in the year eighteen hundred and forty-three, and on the second Monday of December, in each year thereafter, an election shall be held at the office of the company, in Mobile, by a committee of three stockholders, to be appointed by the board, for three Trustees to fill such class whose term of service may expire, and also so many Trustees as may be necessary to fill all vacancies in the other classes; at such election, the stockholders may vote either in person or by proxy, and each share shall entitle the owner to one vote. The said committee, or a majority thereof, shall receive the votes in writing, and return the same, with their certificate of the votes given, and the person having the largest number of votes given, shall be declared duly elected: *Provided*, they have the proper qualifications; and in every case of election by the stockholders, ten days previous notice of the time and place of such election shall be given by advertisement in a newspaper; and in all cases of election for Trustees by the board, to fill vacancies, ten days notice of the time and place of such intended election, shall be given to the several Trustees, in such manner as the board shall direct. Whenever, from any cause the stated election shall not be held, or there be a failure to elect proper persons, an election shall be held in the same mode, and on like notice, as soon as practicable, to supply the omission.

Proviso.

Bonus paid to
State.

Sec. 6. *And be it further enacted*, That the amount of bonus hereafter to be paid by said company to this State, shall be reduced in the same proportion as the amount of the capital stock of the said corporation has been reduced.

Repeal.

Sec. 7. *And be it further enacted*, That all parts of the former acts to which this is an amendment, as may conflict with the provisions of this act, are hereby repealed.

Approved, 9th February, 1843.

[No. 100.]

AN ACT

To amend an act, entitled an act to Incorporate the town of Warrenton, in the County of Marshall.

Limits.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the corporate limits of the town of Warrenton, in the county of Marshall, shall be so altered as to include the North East quarter of section seven, of township eight, of range three, East.

Sec. 2. *And be it further enacted*, That the Intendant and

Councillors, are hereby authorized to grant the privilege to any citizen of said town, of conveying, water under ground, in pipes or logs, to any part of said town: *Provided*, no one be injured thereby.

Sec. 3. *And be it further enacted*, That so much of the act to which this is a supplement, as requires all the proceedings of the Council of said town, to be in public, be, and the same is hereby repealed.

Approved, 7th February, 1843.

[No. 101.]

AN ACT

To provide for the Distribution of certain Documents, among the several Counties of this State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall, and is hereby made the duty of the Secretary of State, to cause to be distributed, in the manner hereinafter pointed out, the Documents Legislative and Executive, of the Congress of the United States, in relation to the public lands, which have been received, or may hereafter be received, for that purpose.

Duty of Secretary of State.

Documents to be distributed

Sec. 2. *And be it further enacted*, That one copy of said work, shall be deposited in the Executive office; two copies in the office of the Secretary of State; and one copy shall be retained for the use of each branch of the General Assembly, and the remaining copies shall be distributed as follows: To the Library of the Supreme Court, two copies; to the office of each of the Clerks of the Circuit Court, one copy; and to the office of each of the Registers in Chancery, one copy: *Provided*, that the office of the Clerks of the Circuit Court of the county of Mobile, shall be entitled to two copies: *And provided, further*, that if there should be any lack of copies for the supply of all the offices herein provided for, the offices of the Clerks of the Circuit Courts shall be first supplied.

To what offices distributed.

Sec. 3. *And be it further enacted*, That contracts for the distribution contemplated in this act, shall be made in the same manner, and payments for the distribution made in the same way, and out of the same fund, as is, or may be directed, or provided for the distribution of the Laws and Journals of the present General Assembly.

Contracts for service how made.

Sec. 4. *And be it further enacted*, That the contingent expenses for putting up the said books, for safe distribution and delivery, as aforesaid, shall be paid upon account, stated by the Secretary of State, upon the order of the Governor, out of any monies in the Treasury, not otherwise appropriated.

Payment of contingent expenses.

Approved, 15th February, 1843.

To Incorporate the Mobile Navigation and Insurance Company.

Persons in-
corporated.

Name and
style.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That M. D. Eslava, James Magee, Burwell Boykin, Wm. R. Hallett, Joseph E. Murrell, Daniel Chandler, and their associates, be, and they are hereby constituted a body corporate, under the name and style of the Mobile Navigation and Insurance Company, and by that name and style, may sue and be sued, contract and be contracted with; have, hold, possess, and enjoy real and personal estate, and to make such by-laws and ordinances as they may find necessary for the government of the said corporation, not contrary to the laws of this State, or of the United States.

Capital stock.

Sec. 2. *And be it further enacted,* That the capital stock of the said corporation shall not exceed two hundred thousand dollars, which shall be divided into shares of such sums as the said corporation may determine.

Powers.

Sec. 3. *And be it further enacted,* That the said corporation shall have power to engage in the transportation of property and produce on either of the rivers or bays of this State, with such vessels, boats or other means or appliances as they may think proper.

May insure.

Sec. 4. *And be it further enacted,* That the said corporation may engage in contracts of Insurance, and may invest its capital and profits in personal or real securities, and change them at pleasure.

Restriction.

Sec. 5. *And be it further enacted,* That the said corporation shall not have power to put in circulation any note, bond, contract, or obligation, as money, or to lend its own notes or obligations.

Liabilities of
members.

Sec. 6. *And be it further enacted,* That the members of the said corporation shall be jointly and severally liable for its debts to the amount of the capital stock held by them, at the time that their debt was contracted.

Duty of cor-
poration.

Sec 7. *And be it further enacted,* That the said corporation shall keep a book for the transfer of shares of its capital stock, and the names of all owners of capital stock in the same, shall appear therein; and all transfers of stock shall be made under such rules and regulations as the corporation may prescribe, and the shares shall be considered as personal property, liable to attachment or sale on execution.

Approved, 14th February, 1843.

[No. 103.]

AN ACT

To amend an act, entitled an act, to Incorporate the town of Auburn, in the county of Macon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, no person shall be allowed to vend ardent spirits of any kind, in the town of Auburn, in the county of Macon, unless he shall have been licensed from the corporate authorities of said town: *Provided,* this act shall not extend to persons who are now retailing under license from the county, until after their license expires, but the County Court shall not have the power to authorize any license to be issued, authorizing the retailing of ardent spirits after the passage of this act. Restriction on
retailers.

Proviso.

Sec. 2. *And be it further enacted,* That if any person shall, in violation of this act, vend ardent spirits in the town of Auburn, the corporate authorities of said town shall have the power to fine said offender, in any sum not exceeding five hundred dollars, and if the fine imposed be not paid forthwith, they shall have the power to commit the person so offending to the county jail until said fine is paid. Penalty for
violating law.

Sec 3. *And be it further enacted,* That it shall be lawful for any Sheriff or Constable in the county of Macon, to execute any process issued by the corporate authorities of the town of Auburn, in the county of Macon. Process.

Approved, 14th February, 1843.

[No. 104.]

AN ACT

To Incorporate the Columbia Male and Female Institute, in Henry county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That James H. Grace, John F. Koone, S. L. Solomon, Moses K. Speight and Ransom Warner, and their successors in office, be, and they are hereby declared a body corporate and politic, in deed and in law, by the name and style of the President and Trustees of the Columbia Male and Female Institute, and as such, shall be capable and liable in law, to sue, and be sued, plead and be impleaded, and shall be authorized to make such by-laws and regulations as shall be necessary for the government of said Institution: *Provided,* that such by-laws and regulations are not repugnant to the laws of this State, and that the Trustees, in connection with the teachers in said Institution, to grant certificates of honor to young gentlemen and ladies, as in in their judgment they, or a majority of them may see proper. Body corpo-
rate.

Corporate
powers.

Sec. 2. *And be it further enacted,* That said Trustees shall be capable of accepting, and being invested with all manner of property, real and personal, all donations, gifts, grants, privi-

Vested rights. leges and immunities whatsoever, which may belong to said Institution, or which may hereafter be conveyed or transferred to them, or their successors in office; to have and to hold the same for the proper use and benefit of said Institute: *Provided*, that said Trustees, or their successors in office, shall never possess, at one time, more real and personal estate than thirty thousand dollars: *And, provided further*, that said property, real and personal, shall be exempt from taxation, and that said Corporation shall not exercise Banking privileges.

Organization of Trustees. Sec. 3. *And be it further enacted*, That the before named Trustees shall have power to appoint a President, Secretary and Treasury, and such other officers, Director or Directors, as they may deem necessary, or expedient for the well being and good government of said Institution, and prescribe the duties of each; to have and use a common seal, and the same to break, alter, or renew at pleasure.

Vacancies. Sec. 4. *And be it further enacted*, That all vacancies, which may occur in the said Board of Trustees, from any cause, shall be filled by a majority of those remaining; and the Trustee, or Trustees so appointed, shall have all the power and authority vested in the Trustees appointed by this act.

Approved, 1st February, 1843.

[No. 105.]

AN ACT

To Charter and Incorporate the Members of Mobile Lodge, No. 2, of the Independent Order of Odd Fellows in the city of Mobile.

Persons incorporated. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Charles J. B. Fisher, Thomas C. Rawlins, John Affron, Ezekiel Salomon, Salomon I. Jones, and William Craig, and their associates, be, and they are hereby constituted and declared a body corporate in deed and in law, by the name and style of the "Mobile Lodge, No. 2," of the "Independent Order of Odd Fellows in the city of Mobile," and by that name and style, shall have full power and authority to have and use a common seal, and the same to break, alter, and renew at pleasure; to sue and be sued; to implead and be impleaded; answer and be answered unto, in all kinds of actions whatsoever; and also to make, pass and adopt all such rules, regulations, constitution and by-laws, for the proper and better organization of their said Lodge, as they may deem wise, necessary, or expedient: *Provided*, the same shall not be repugnant to, or inconsistent with the Constitution and laws of the United States, or of the State of Alabama, or any of the provisions of this act of incorporation.

Name and style.
Powers. Sec. 2. *And be it further enacted*, That the said Charles J. B. Fisher, Thomas C. Rawlins, John Affron, Ezekiel Salomon,

Thomas Stringer, Richard Corre, David Salomon, Solomon I. Jones, William Craig, and their associates, or lodge, or body corporate, shall be, and they are hereby authorized and empowered to hold property and estate, both real and personal, to make purchases of property, also to accept and receive all gifts, grants, donations, offerings, privileges and immunities whatsoever, which may be hereafter at any time made and granted to said Lodge, or body corporate, or which may hereafter be conveyed or transferred to them, and to sell alien, dispose of, transfer, and convey the same: *Provided*, that the entire property and estate, real or personal, so by them at one time held, shall not exceed the value of thirty thousand dollars.

May hold property.

Providso.

Sec. 3. *And be it further enacted*, That no misnomer, palpable error or evident mistake of the said Lodge or body corporate, in conveying to others, or of others conveying to them any real or personal estate, shall defeat, annul, or make void, any sale, gift, grant, devise, or bequest to, or sale from said Lodge or body corporate: *Provided*, the true intent of the parties thereto, shall sufficiently appear upon the instrument of sale, or conveyance, gift, grant, devise, or other writing, whereby any property, estate, or interest, was intended to pass from, or to the said Mobile Lodge, No. 2, of the Independent Order of Odd Fellows, in the city of Mobile, hereby incorporated.

Effect of misnomer.

Sec. 4. *And be it further enacted*, That, nothing in this act of incorporation contained, shall be so construed, as to give to the said Lodge, or body corporate, any right, power, or privilege whatsoever, to exercise any banking business of any kind, form or nature whatsoever.

Restrictions.

Approved, 13th February, 1843.

[No. 106.]

AN ACT

To Incorporate the Male and Female Academy in the village of Turnbull, in the county of Monroe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an Academy be, and the same is hereby incorporated, in the county of Monroe, to be styled the Turnbull Male and Female Academy, and that S. S. Andress, Saml. McCreary, Caleb Lindsay, Thos. Mason, T. M. Riley, Garrett Longmire, senr., S. R. Andress, Thos. S. Roach, Saml. Debose, senr., Stanford Mims, and John Marshall, and their successors in office, be, and they are declared a body politic and corporate, by the name and style of the Turnbull Male and Female Academy, and as such, shall be capable and liable in law or in equity, to sue and be sued, plead and be impleaded, and shall be authorized to make such by-laws as shall be necessary for the govern-

Name and style.

Persons.

Corporate powers.

Proviso.

ment of said Academy : *Provided*, such by laws are not repugnant to the laws and constitution of this State and of the United States; and for that purpose may have, and use a common seal, and appoint such officers as they may think proper, and remove the same for improper conduct, or whenever, from neglect of duty, or removal from the vicinity, their services cannot be commanded.

Vested rights.

Sec. 2. *And be it further enacted*, That said Trustees, or body corporate, and their successors in office, shall be privileged to accept and be invested with all manner of property, either real, personal, or mixed; also all donations, gifts, grants, privileges, and immunities whatsoever, which may hereafter be made or granted to said Institution, or which may hereafter be conveyed or transferred to them, or their successors in office; to have and to hold the same for the use, benefit, and behoof of said Institution: *Provided*, the same shall not exceed twenty thousand dollars.

Vacancies.

Sec. 3. *And be it further enacted*, That whenever any vacancy happens by death or resignation, or otherwise, of any of the Trustees of said Academy, the survivors or residue of said Trustees shall fill the same in such manner as shall be pointed out by the laws and regulations of said incorporation.

Sec. 4. *And be it further enacted*, That all property owned by said Trustees in their corporate capacity as aforesaid, shall be vested in the same in perpetuity, for the use of said Academy, and is hereby declared free of taxation.

Approved, February 6th, 1843.

[No. 107.]

AN ACT

To Incorporate the Aberfoil Academy, in Macon county.

Persons incorporated.

Corporate powers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That F. G. Thomason, James Larkins, A. Y. Frierson, Lewis Stendermire, Frederick Haughton, and their successors in office, be, and they are hereby created a body corporate, by the name and style of the President and Trustees of Aberfoil Academy, and by that name, shall have power to receive donations, borrow money, purchase, have, and hold real estate, not to exceed the sum of ten thousand dollars, to be held by them for the purposes of education; to sue and be sued, plead and be impleaded, and to recover all debts that may become due, owing, or belonging to said Institution, as the property thereof.

Organization.

Sec. 2. *And be it further enacted*, That the above named Trustees shall have power to appoint a President, Secretary, Treasurer and such other officers as they may think necessary or ex-

pedient for the good order and well being of said Institution, and prescribe the duties of each; to grant such rewards, or confer such honors, on graduates, as to them may seem right and expedient.

Sec. 3. *And be it further enacted*, That all vacancies which may occur in the board of Trustees, from any cause, shall be filled by the members of said board. Vacancies.

Approved, 15th February, 1843.

[No. 108.]

AN ACT

To incorporate the Dayton Literary Association.

WHEREAS, the citizens of Dayton, and its vicinity, did, on the fourth day of July, in the year of our Lord, one thousand eight hundred and forty-two, enter into articles of association, under the name and style of the Dayton Literary Association, for the purpose of erecting a Female Academy, in or near the said town of Dayton: and whereas, numerous citizens have taken stock in said Association, for the purpose above mentioned; and have now entered into contract for the erection of a suitable building; and have elected S. I. Harris, President, and Messrs. R. G. Cook, John D. Catlin, James T. Terrell, Leland Trippe, Anson Springfield and Richard R. Pickering, a Board of Directors; and now, by a vote of said Association, desire that all the acts done and performed heretofore, in accordance with the articles of said Association, be ratified and confirmed by an act of the Legislature of the State of Alabama:—Therefore, Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Dayton Literary Association be, and the same is hereby incorporated, in the county of Marengo, to be styled The Dayton Literary Association, and as such shall be capable and liable in law or in equity, to sue and be sued, to plead and be impleaded, and shall be authorized to make such by-laws and regulations, as shall be necessary for the government of said Association: Incorporated.
Provided, that such by-laws are not repugnant to the laws and constitution of this State and of the United States; and for that purpose, may have and use a common seal, and appoint such officers as they may think proper, and may remove the same for any improper conduct, or neglect of duty. Style.
Powers.

Sec. 2. *And be it further enacted*, That the said incorporate body shall be privileged to accept of, and be invested with, all manner of property, either real, personal or mixed; also all donations, gifts, grants, privileges and immunities whatsoever, which have been, or may hereafter be made or granted to said Association, or which have been or may hereafter be conveyed, or transferred to the said President and Directors, or their successors in office, to have and to hold the same for the use, benefit and behalf of said Association. Vested with certain rights

Sec. 3. And be it further enacted, That all property held or owned by said Association, shall be exempted from taxation.

Sec. 4. And be it further enacted, That any stockholder of said Association may, and is hereby released from all liabilities to said Association, upon condition that he or she first pays up the amount subscribed by him or them.

Approved, February 14th, 1843.

[No. 109.]

AN ACT

To incorporate the Town of Van Buren, in the County of De Kalb.

Incorporation
and limits

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the town of Van Buren, in the county of De Kalb, be, and the same is hereby incorporated, and the limits of said incorporation shall be as follows, to wit: the storehouse in which the post office is kept in said town, shall be considered as the centre, and shall extend one-fourth of a mile east, one-fourth of a mile west, one-fourth of a mile north, and one-fourth of a mile south.*

Election for
councillors
and intendant

Sec. 2. And be it further enacted, That on the first Monday in March next, and on the first Monday in January in each and every year thereafter, an election shall be held by ballot, for two Councillors and one Intendant, at some public and convenient place in said town, who shall serve until the next annual election, and until their successors in office be qualified; which said election, shall be conducted by any two or more of the justices of the peace of said county; and it shall be the duty of the Intendant, so elected, to preside at all the meetings of the Council; and in his absence, or incapacity to attend, any member may be called to the chair; and a majority of the Council shall constitute a quorum to do business; and said Board is hereby constituted and declared to be a body politic and corporate, by the name of the Intendant and Council of the town of Van Buren, and by that name shall have and enjoy all the rights, powers and privileges, and shall be subject to all the liabilities that are incident to bodies corporate.

Corporate
powers.

*Sec. 3. And be it further enacted, That the said corporation shall have full and complete power to make such by-laws and ordinances as they may think proper for the good government of said town, and to affix such fines and penalties as may be deemed necessary to enforce the same: *Provided*, said laws and ordinances be not repugnant to the constitution and laws of this State and of the United States.*

Powers.

Sec. 4. And be it further enacted, That the said corporation shall be authorized to raise a revenue to carry into effect all the objects of the corporation, by levying a tax on all lots, houses and

lands and other property, of every description, in said town, liable to taxation by the laws of this State: *Provided*, the tax thereon shall not exceed one-half of the county tax.

Sec. 5. *And be it further enacted*, That should any vacancy occur in the said Board, such vacancy may be filled by the remaining members of said Board; and the members so added, shall continue in office until the succeeding election and qualification, as provided in the second section of this act. Vacancies.

Sec. 6. *And be it further enacted*, That the Intendant and Councilmen shall take an oath, before some justice of the peace, faithfully and correctly to discharge the several duties imposed by this act, without favor, partiality or prejudice. Intendant and councillors to take oath.

Sec. 7. *And be it further enacted*, That the election for said Intendant and Council shall commence at the hour of ten o'clock, A. M., of each day of said election, and be kept open until the hour of two o'clock in the afternoon of the same day; and that all free white males, over the age of twenty-one years, and who have resided within the limits of said corporation, two months immediately preceding said election, shall be entitled to vote at said election. Election.

Approved, February 11th, 1843.

[No. 110.]

AN ACT

To Incorporate the Fire Department Association of Mobile.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John F. Pagles, B. Tardy, delegates from Engine company, Number one; Alexander Watson, jr. Louis Bullard and W. P. Humond, delegates from Number two; Robert M. Parker, Samuel M. Todd and William J. Farris, from Number three; George Woodward, Jacob S. Marsh, and Ezekiel Salomon, from Number four; James F. Hutchisson, George Bangroft and Isaac Davis, from Number five; Charles S. Shreeves, F. I. Tankersley and Thomas A. G. T. Hamilton, from Number six; A. W. Bar, James Cowley and William I. Pyers, from Number seven; and John Kennedy, John Shannon and James Battel, from Hook and Ladder company, Number one, of the city of Mobile, and their successors and associates, be, and they are hereby constituted and declared a body corporate, in deed and in law, by the name and style of "The Fire Department Association of Mobile," and by that name shall have full power and authority to have and use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, to plead and be impleaded, answer and be answered Delegates incorporated.

Name and style.

Powers. unto, in all claims whatsoever; and also to make, pass and adopt all such rules, regulations and by-laws, for the proper and better organization of their said association, as they may deem wise and expedient: *Provided*, the same shall not be repugnant to, or inconsistent with the Constitution and Laws of the United States, or of the State of Alabama, or of the provisions of this act of incorporation.

Power to hold property. *Sec. 2. And be it further enacted*, That the said association or body corporate shall be, and they are hereby authorized and empowered to hold property and estate, both real and personal, and to make purchases thereof; also, to accept and receive all gifts, grants, donations, offerings, privileges and immunities whatsoever, which have been, or may hereafter be granted and made to said association, or for their use and benefit, or which hereafter may be conveyed or transferred to them, and to sell, alien, dispose of, transfer and convey away the same: *Provided*, that the entire property and estate, both real and personal, so by them at any one time held, shall not exceed the value of thirty thousand dollars.

Rights secured. *Sec. 3. And be it further enacted*, That no misnomer of the said association or body corporate, shall defeat, annul, or make void any sale, gift, grant, devise or bequest to the same: *Provided*, the true intent and meaning of the parties thereto shall sufficiently appear upon the instrument of sale or conveyance, gift, grant, or other writing, whereby any property, estate or interest, was intended to pass to said "Fire Department Association of Mobile," hereby incorporated.

Transfer of corporate powers. *Sec. 4. And be it further enacted*, That all the rights, powers, privileges and benefits given and granted to the Fire companies of the city of Mobile, (and to the Alabama Life Insurance and Trust Company of Mobile,) or to either of them, by an act of Assembly, entitled "An act to raise a fund for the benefit of the Fire Companies of the city of Mobile," approved, January thirtieth, one thousand eight hundred and thirty nine, be, and the same are hereby transferred to, and vested in the said "Fire Department Association of Mobile," hereby incorporated, for the benefit of the several Fire Companies of the city of Mobile, now in existence, or which may hereafter be organized for the uses and purposes in said act of one thousand eight hundred and thirty nine, provided and set forth.

Restriction. *Sec. 5. And be it further enacted*, That nothing in this act contained, shall be so construed as to give to said association the right or privilege to exercise or carry on any banking business of any kind, form or nature whatsoever.

Approved, 14th February, 1843.

[No. 111.]

AN ACT

To enable the Corporate authorities of the city of Mobile, to provide for the security and payment of the debts of said city, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all and every purchaser or purchasers of lands or interest in lands, conveyed by the corporate authorities of the city of Mobile, for the security of certain debts, by Indenture, bearing date, the sixteenth day of May, A. D. eighteen hundred and forty, and recorded in the office of the Clerk of the County Court of Mobile, book No. 1, pages 284 to 291, inclusive, and his or their heirs and assigns, shall take and hold the same, with full power to alien and dispose of the same, freed and discharged of, and from all claim that the State of Alabama, now have, or may acquire, by reason of the alienage of such purchaser or purchasers, his or their heirs or assigns. Rights vested in certain purchasers.

Sec. 2. *And be it further enacted,* That the Mayor, Aldermen and Common Council of the city of Mobile, may, for the payment of the debt now due and owing, by said city, issue the obligations of said city, under its corporate seal, in sums not less than one hundred dollars each, bearing interest at the rate of five per centum per annum, and redeemable in twenty years after the date thereof, or at any earlier period, at the discretion of said corporate authorities. Obligations of city may be issued.

Sec. 3. *And be it further enacted,* That for the better security of the holders of the obligations provided for by this act, and for the ultimate payment of the same, a fund of not less than ten thousand dollars, to be called the annual fund, and to be annually applied as hereinafter provided, shall be created and maintained, by the corporate authorities of said city, for which purpose, and for the annual payment of the interest on the obligations provided for by this act, the taxes accruing from the assessments by the said corporate authorities, on the real estate within the said city, shall be, and are hereby pledged and appropriated, and said assessments on real estate shall not be reduced below a rate sufficient to produce the annual interest, and the annual fund of ten thousand dollars, so long as the obligations of said city, issued in pursuance of this act, or any portion thereof shall remain unpaid: *Provided,* that the power to tax real estate in said city, shall not exceed the present rates of taxation. Annual fund to be raised for security of creditors.

Sec. 4. *And be it further enacted.* That it shall be the duty of the collector of taxes of the said city, for the time being, to pay over, from time to time, as the taxes aforesaid may be collected, to the Alabama Life Insurance and Trust Company, so much of the said taxes, as may be sufficient to pay the interest due on said obligations, according to their tenor and effect; and Duty of city tax collector.

Duty of Alabama Life Insurance and Trust Company.

also the said annual fund of ten thousand dollars, to be applied to the payment of the principal sum due on said obligations; and it shall be the duty of the said Alabama Life Insurance and Trust Company, with the consent of said company, or in some other suitable place of deposit, to be selected by the Mayor, Aldermen and Common Council of Mobile, in case said company shall refuse to receive it, to accept the taxes so paid over in trust for, and to be by them applied to the uses and purposes of this act; and after paying the interest due on said obligations, the said company shall apply the annual fund of ten thousand dollars, annually, to the payment in full of said obligations, according to the numerical succession, that is, paying the obligation *numbered one first, and so on*, until the whole shall be paid in regular numerical succession.

Additional powers of corporate authorities.

Sec. 5. *And be it further enacted*, That the corporate authorities aforesaid shall have power in addition to the powers of taxation heretofore granted by any existing law, to grant to all persons who shall not permanently reside in the city or county of Mobile, and who shall transact business within the jurisdiction of the same, a license for carrying on all and every business, trade, or profession, and without such license, after the same shall have been appointed to any business, trade or profession, by the said corporate authorities, it shall not be lawful to carry on such business, trade, or profession, to which the said license shall be so appointed without such license; and the sums to be paid for such license, by the person or persons using the same, shall at the commencement of each municipal year, or oftener, if need be, be fixed and determined by the Mayor of said city and the presiding officers of the boards of Aldermen and Common Council: *Provided*, that this section of this act shall not be construed to impair the right of said city to levy any tax now authorized by any existing law.

Proviso.

May levy tax.

Sec. 6. *And be it further enacted*, That the corporate authorities aforesaid, shall have power to levy and assess a tax not exceeding one and one-half per centum on the amount of all auction sales made within the said city, except sales under judicial proceedings; guardians executors and administrators' sales, and sales of property under the provisions of deeds for the security or payment of debt.

Additional powers.

Sec. 7. *And be it further enacted*, That in addition to the powers heretofore granted to the corporate authorities of the city of Mobile to assess taxes, they are hereby authorized to assess a tax of not exceeding twenty-five dollars upon all persons trading or doing business in the city of Mobile, who are residents of the city or county of Mobile, for the privilege of carrying on such trade or business: *Provided*, that this section of the act shall not apply to persons who pay a tax on real or personal property, to the amount aforesaid, and all assessments paid by

Proviso.

any person, upon personal or real property, shall be deducted from the assessment under this section of this act, and the remainder shall not exceed the sum aforesaid: *Provided, further*, that this section shall not apply to any mechanic carrying on his trade or doing journey work.

Sec. 8. *And be it further enacted*, That the corporate authorities aforesaid, shall have power to assess and collect a tax Tax may be collected. not exceeding twenty cents, upon every hundred dollars of property sold upon the wharves of the city of Mobile, or on ship board, or otherwise, before the same shall be stored: *Provided*, this section shall not be construed to allow any assessment on cotton, or other staple production, imported into said city from the interior of the State of Alabama or Mississippi.

Sec. 9. *And be it further enacted*, That the corporate authorities of the city of Mobile, after the passage of this act, shall not be permitted to purchase real estate, or borrow money or create any new debt for purposes of profit, or improvement without a concurrence of the mayor and boards of aldermen and common council, at their regular meetings upon a full attendance of all the members of both boards, at a time when there shall be no vacancy in either, and none dissenting to the act, which facts shall all appear on the minutes of the corporation, and any contract made in violation of this act shall be wholly null and void, incapable of being ratified or confirmed except in the manner hereinbefore specified. Terms on which real estate shall be sold.

Sec. 10. *And be it further enacted*, That the corporate authorities aforesaid, shall have authority to assess a tax on any public balls, shows, exhibitions, theatrical entertainments, billiard tables, nine-pin alleys, ten pin alleys, bowling alleys, and any and every other public game, or public place of amusement, and the amount of taxes provided for by this section shall be fixed and determined by the mayor and the presiding officers of the boards of aldermen and common council as hereinbefore provided. Tax on public exhibitions.

Sec. 11. *And be it further enacted*, That at the close of each municipal year, if any surplus exceeding the sum of five thousand dollars shall remain in the Treasury of said city, after defraying the necessary expenses thereof, the same shall be paid over by the mayor of said city, by his warrant on the Treasury of said city, countersigned by the presiding officers of the boards of aldermen and common council, to the said Alabama Life Insurance and Trust Company or other depository selected as aforesaid, to be by them held and applied in the same manner, as is hereinbefore provided for the application of the annual fund, that is to say, to the payment in full of the obligations issued in pursuance of this act, in numerical succession. Surplus of each year to be paid to Alabama L. I. & T. Co

Remedy a-
gainst corpo-
ration for de-
fault.

Sec. 12. *And be it further enacted*, That in case of the default of the corporate authorities aforesaid, in any of the duties prescribed by this act, the court of chancery for Mobile county, or any court having chancery jurisdiction within the county aforesaid, shall be open to all and every of the holders of the obligations issued in pursuance of this act; and full powers are hereby given to said court, to enforce the specific performance of the provisions of this act, and the said court shall have full power to appoint another depository of the funds provided for by this act, whenever it shall be made to appear upon the application of the corporate authorities of the city of Mobile, or of any holder of bond or bonds, provided for by this act, that the said Alabama Life Insurance and Trust Company, or other depository is no longer a proper depository of the said funds.

Prohibitions
after 1st of
Nov. 1843.

Sec. 13. *And be it further enacted*, That from and after the first day of November, A. D., one thousand eight hundred and forty-three, and after the issuing of the obligations provided for by this act, it shall not be lawful for the corporate authority aforesaid to issue in any assignable form whatsoever, any bonds, promises to pay, or city orders, or any form whatsoever of promises to pay, transferable from hand to hand, nor to enter into any contract for the payment of money, unless the means for the payment of the money so contracted to be paid, shall be specifically provided at the time of making such contract.

Powers in col-
lection of dues

Sec. 14. *And be it further enacted*, That full power and authority is hereby given to the corporate authorities aforesaid to establish such rules and regulations for the collection of the dues, taxes and revenues hereby provided, and to use all lawful process and proceedings, which they may deem requisite to enforce the same; and also to impose such fine or penalty for the violation of any provision of this act, as they may deem requisite, and such fine or penalty shall be recoverable in the name of the mayor, aldermen and common council of the city of Mobile before any tribunal having competent jurisdiction.

Act how car-
ried into ef-
fect.

Sec. 15. *And be it further enacted*, That the corporate authorities of the city of Mobile shall be under no obligation to enforce or carry into effect the provisions of this act, unless three-fourths in amount of the creditors of said city signify their assent to the same, by written communication to the mayor of said city, by or before the first day of April, A. D., one thousand eight hundred and forty-three.

Restriction.

Sec. 16. *And be it further enacted*, That after the passage of this act, it shall not be lawful for the members of the boards of aldermen and common council to make any contract with the corporate authorities to do any work or perform any service for the same, nor shall any appropriation be valid that shall be made for this.

Sec. 17. *And be it further enacted*, That in the expenditure of the funds of said city derived from taxation, the mayor aldermen and common council shall have a proper regard to the appropriation of the same to the improvement of the different wards of said city in proportion to the amount of taxes paid by each ward.

Appropriation of funds.

Approved, 11th February, 1843.

[No. 112.]

AN ACT

To revive and continue the President and Trustees of the Pineland Academy in Mobile county, as a body corporate.

WHEREAS, by an act passed the ninth day of January, one thousand eight hundred and thirty-six, Abner S. Lipscomb, Joseph Bates, jr., T. L. Toulmin, Adam C. Hollenger, Hiram Cheesborough, Willis Lang, Josiah Wilkins, David Files, John K. Collins, and George W. Owen, were created a body corporate for the purposes and with the powers described in said act: And whereas, the Stockholders have failed to elect a President and Trustees in the manner prescribed therein, therefore for the remedy thereof,

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John K. Collins, Adam C. Hollenger, David Files, William Jones, jr., and Richard H. Redwood, are hereby appointed Trustees of said Corporation, with full power and authority at any time they may see fit within one year from the passage of this act, to appoint a President and Trustees of said Academy, who shall hold their office until the first Monday in October next after their appointment, and they shall have the same powers, rights and privileges, that the President and Trustees of the Pineland Academy, had or might have, if elected in the manner prescribed by said act.

Trustees of corporation appointed.

Powers.

Sec. 2. *And be it further enacted*, That said Trustees by this act appointed, shall have full power and authority to sell any portion of the real estate of said Corporation they may see fit for the purpose of paying the debts of said Corporation, and in the name of the Trustees of the Pineland Academy to make good and valid titles to the purchasers of the same; also to purchase any land they may see fit, taking the title in the name of the Trustees of the Pineland Academy, which shall inure and belong to said Corporation, to rebuild the houses, employ teachers and do every act, "until the appointment of a President and Trustees by them shall be made," that a President and Trustees could have done, had they been appointed by the act of January ninth, one thousand eight hundred and thirty-six; and the acts of a majority of said Trustees hereby appointed shall be valid and binding on said Corporation: *Provided*, this act may be repealed or amended at any time.

Powers of Trustees.

Approved, 6th February, 1843.

[No. 113.]

AN ACT

To amend an act entitled, "an act to incorporate the Town of Dadeville in Tallapoosa County, approved Dec. the 21st, 1841."

Election

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for the qualified voters within the corporate limits of the town of Dadeville, in Tallapoosa county, to hold an election for Intendant and four Councilmen as heretofore prescribed by law, and the time of holding such election shall be on the first Monday in March in each and every year, instead of holding the said election on the first Monday in May in each and every year, as heretofore prescribed.

Vacancies of
intendant how
filled.

Sec. 2. *And be it further enacted,* That in case of vacancy in the office of Intendant by death, resignation, removal or otherwise, that a majority of the Councilmen shall meet and appoint a suitable person as Intendant, whose duty it shall be to act under the same rules, laws and regulations of said Incorporation, as if elected at the regular time of holding said election.

Vacancy of
councilmen.

Sec. 3. *And be it further enacted,* That in case of vacancy in the office of any of the Councilmen of said Incorporation, the vacancy shall be filled by a majority of the Councilmen together with the Intendant, and that said Incorporation is hereby declared to be in full force and effect from and after the passage of this act.

Approved, 8th February, 1843.

[No. 114.]

AN ACT

To incorporate the Trustees of the Carrolton Academy, in the county of Pickens.

Persons in-
corporated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That Edmond S. Bush, Dabney Pucket, and Isam H. Kelley, and their successors in office, be and the same are hereby constituted a body corporate under the name and style of the Trustees of the Carrolton Academy.

Organization
and powers.

Sec. 2. *And be it further enacted,* That the said Trustees shall appoint one of their own body to preside as President, and shall have power to fill all vacancies that may occur in their body by death, resignation or otherwise,—and shall have power to make all such by-laws for the regulation and government of said Academy as they or a majority of them may deem necessary, and to alter and amend the same at pleasure: *Provided,* such by-laws are compatible with the Constitution of this State and of the United States,—to employ a suitable teacher or teachers, and to make all such contracts and enter into such regulations as may be necessary to carry the said Academy into complete and successful operation.

Proviso.

Sec. 3. *And be it further enacted*, That the said Corporation, by its corporate name, shall be capable in law and equity of suing and being sued, of pleading and being impleaded, of holding and owning property both real and personal to any amount not exceeding five thousand dollars, and of selling and conveying the same, and shall have and enjoy all such privileges and powers as are necessary to give full and complete effect to this act according to its meaning and intent. Corporate powers.

Approved 14th February, 1843.

[No. 115.]

AN ACT

To amend the Charter of the City of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That when any real estate, situate in the limits of the corporation of said city, shall be assessed for taxation in the mode now required by law, and the taxes for the same shall not be paid, it shall be the duty of the Mayor and Aldermen to cause the same to be advertised in some public newspaper in said city for three months, which advertisement shall contain a description of the property, and the amount due for taxes, and all expenses, including the costs of advertising; and if the same is not paid before the day of sale, the said Mayor and Aldermen shall expose so much of said real estate to sale, to the highest bidder, for cash, as will pay the taxes and costs as aforesaid: Duty of Mayor.
Provided, said real estate shall not be sold in less quantities than the sub-division by lots, as laid off in the plan of said city: Proviso.
Provided, however, that the owner of every lot so sold for taxes shall be permitted to redeem the same, within one year after such sale, on the re-payment of the amount of purchase, and ten per cent. thereon by way of interest. Proviso.

Sec. 2. *And be it further enacted*, That when any sale shall take place, agreeably to the foregoing section, it shall be the duty of the Mayor to make a deed to the purchaser, reciting the description of the property sold, the amount of taxes and costs due on the same, and for what year, and that the same had been advertised agreeably to law, and also the amount for which said lot has been sold; and said deed, containing the foregoing recitals, shall convey to the purchaser, all the right, title and interest of the owner in and to said property: Deed to purchaser.
Provided, that if any lot shall sell for more than may be due upon it as aforesaid, the surplus shall be held by the Mayor and Aldermen, subject to the order of the owner of said lot. Proviso.

Sec. 3. *And be it further enacted*, That all laws and parts of laws contrary to the provisions of this act, be, and the same are hereby repealed. Repeal.

Sec. 4. *And be it further enacted*, That before any person who is not a resident of the said city of Tuscaloosa, shall be

Sale of goods
at auction.

permitted to sell privately, or at auction, either by himself, or through any licensed auctioneer of the county of Tuscaloosa, within the limits of said city, any goods, wares or merchandise, of any description whatever, said person shall first pay to the Treasurer of said city of Tuscaloosa, the sum of fifteen dollars, upon every thousand dollars' worth of goods, wares or merchandise proposed to be offered for sale as aforesaid; and on failure to pay the same, or at that rate, such person shall forfeit and pay to the said city, the sum of fifty dollars, to be recoverable before any justice of the peace of said city, in the name of said corporation.

Powers of
Mayor to col-
lect taxes.

Sec. 5. *And be it further enacted*, That the powers of the Mayor and Aldermen of said city to levy and collect taxes, be, and the same are hereby extended and enlarged, so as to enable them to levy and collect tax upon auctioneers, transient dealers and pedlars.

Approved, 8th February, 1843.

[No. 116.]

AN ACT

To amend an Act to incorporate the Cahawba Academy, in the County of Dallas, passed January 10th, 1831.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That so much of said act, to which this is an amendment, as constitutes the Trustees of the Cahawba Academy, Commissioners of the sixteenth section of township sixteen, range ten, east, in the county of Dallas, be, and the same is hereby repealed.

Approved, 11th February, 1843.

[No. 117.]

AN ACT

To change the time of holding the County Court of the County of Jefferson.

Changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter the County Court for the County of Jefferson, shall commence and be holden, on the first Tuesday in February and August, instead of the first Monday, as now required by law.

Process.

Sec. 2. *And be it further enacted*, That all writs and other process, that may have been issued, returnable to said court, as heretofore provided by law, be, and the same are hereby made returnable, as herein prescribed.

Sec. 3. *And be it further enacted*, That all laws and parts of laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 4th January, 1843.

[No. 118.]

AN ACT

To alter the Winter Term of the County Court of Covington County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the winter term of the County Court of Covington county, shall, from and after the passage of this act, be holden on the second Monday in January, in each and every year, in lieu of the time now prescribed by law. Changed.

Sec. 2. *And be it further enacted,* That all writs, and process of every description, returnable into said Court, as well as suits now existing therein, shall hereafter be made returnable at the time specified in the first section of this act, and shall be legal and binding, to all intents and purposes, any law to the contrary notwithstanding. Process.

Approved, 4th January, 1843.

[No. 119.]

AN ACT

Regulating the place of holding the Special Terms of the Circuit Courts of Mobile County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter it shall be lawful for the Special Term of the Circuit Court of Mobile County, for the trial of criminal causes, and a jail delivery, to be holden at any place in the city of Mobile, that the Judge of said court may select.

Sec. 2. *And be it further enacted,* That in all convictions of slaves of any offence not capital, said slaves shall be liable to be sold, within ten days after conviction, by the sheriff, for the costs of the prosecution, unless said costs shall be paid by the owners of said slaves.

Approved, 2d February, 1843.

[No. 120.]

AN ACT

To extend the Jurisdiction of County Courts, in certain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the Judges of the several County Courts in this State, shall be empowered and required to appoint Guardians for the estates of those minors in their respective jurisdictions, whose fathers may be still alive, but who have separate estates devised to and settled upon them, and all duties, responsibilities and incidents, shall attach to such guardianships that now attach and belong to guardianships in other cases: *Provided,* that such guardian shall exercise no control over the person of his ward, during the life time of either of his or her parents.

Approved, 13th February, 1843.

[No 121.]

AN ACT

To change the times of holding the Terms of the County Court of Greene County.

Changed.

Process.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter the Terms of the County Court of Greene county, shall commence and be holden on the fourth Mondays in January, and the third Mondays in July, in each and every year, instead of the times now prescribed by law, and that all writs, subpoenas and other process, issued returnable to the next term of said court, shall be taken and construed to be returnable to the term of said court hereby directed to be holden on the third Monday in July next.

Sec. 2. *And be it further enacted,* That all laws and parts of laws contrary to the provisions of this act, be, and the same are hereby repealed.

Approved, 13th February, 1843.

[No. 122.]

AN ACT

To alter the times of holding certain Courts, therein named.

Franklin.

Process.

1st term.

Process.

Repeal.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the second term of the County Court of Franklin county, shall hereafter be held on the second Monday in July, in each and every year, instead of the first Monday in August, as now provided by law.

Sec. 2. *And be it further enacted,* That all process of every kind, made returnable to said court, at its August term, as now provided by law, shall be, and the same is hereby made returnable to the July term of the said court, as provided for in the first section of this act.

Sec. 3. *And be it further enacted,* That the first term of the County Court, shall hereafter be held on the second Monday in February, in each and every year, instead of the second Monday in March, as now provided for by law.

Sec. 4. *And be it further enacted,* That all process made returnable to said court, at its March term, as now provided for by law, shall be held and made returnable to the February term of said court, as provided for in the third section of this act: *Provided,* the provisions of this act shall not take effect until the first day of April, one thousand eight hundred and forty-three.

Sec. 5. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 14th February, 1843.

[No. 123.]

AN ACT

To change the time of holding the County Court of Bibb County.

Section 1. *Be it enacted by Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Summer term of the County Court of Bibb county, shall hereafter be held on the second Monday in July, in each and every year, instead of the time now prescribed by law.

Sec. 2. *And be it further enacted,* That all process now issued, or which may hereafter be issued returnable to said court, on the second Monday in August, be, and the same is hereby made returnable, as prescribed in the first section of this act.

Approved, 6th February, 1843.

[No. 124.]

AN ACT

To require an Extra Term of the Chancery Court, to be held for Sumter County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Chancellor of the Southern Division of the State of Alabama, be, and he is hereby required to hold an extra Term or Terms of the Chancery Court at Livingston, Sumter county, at the earliest period practicable, during the year eighteen hundred and forty-three, under the rules and regulations made and provided in an act, entitled an act providing for holding extra Terms of the Chancery Court, and for other purposes, approved, December thirty-first, one thousand eight hundred and forty-one, which extra term or terms shall continue until all the bills may be disposed of.

Approved, 14th February, 1843.

[No. 125]

AN ACT

To change the times of holding the County Courts of Limestone County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the County Courts of the County of Limestone, shall be holden on the third Mondays of January and July, in each and every year, any law to the contrary notwithstanding.

Approved, 13th February, 1843.

[No. 126.]

AN ACT

To change the time of holding the County Court of Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the County Court of Marengo county shall be holden on the third Mondays in March and September, in each and every year: *Provided,* that this act shall not be in force until the first day of April next.

Approved, 13th February, 1843.

[No. 127.]

AN ACT

Relative to Commissioners' Courts of Roads and Revenue, for the Counties of Montgomery and Lowndes.

Powers of
court in cer-
tain cases.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners' Court of Roads and Revenue, for the counties of Montgomery and Lowndes, be, and they are hereby authorized, whenever satisfactory information is adduced, that the roads in prairie lands are impassable, from their narrowness, or other causes, to direct (with the consent of the owner or owners of said lands) the apportioners of the beat, in which such complaint is made, to value, under oath, the lands bounded by fences or obstructions, on both sides of the road; and in case the owner of such lands to be valued, desire it, an equal number of disinterested freeholders may be associated, under oath, with said apportioners, who shall proceed to examine and value the lands on either side of the road, which shall not exceed the width of thirty-five yards, including the legal width of the road, and shall be empowered to commute labor on the road for said lands, the said apportioners agreeing with the owner of the lands, or such other persons, who prefer to pay cash, in lieu of working on the road, the value of such labor being ascertained by said apportioners, and a like number of disinterested freeholders, if so required.

Transfer.

Sec. 2. *And be it further enacted,* That whenever the said Court may sanction such purchase of lands, bounded as above stated, they shall have the transfer to the county properly recorded, which lands shall exclusively belong to said county, for the purpose of widening lanes in the prairies; which roads shall not be altered or narrowed, unless by the direction of said Commissioners' Court.

Restriction.

Sec. 3. *And be it further enacted,* That the provisions of this act shall not interfere with, alter or change the existing laws, further than is herein specified and provided; and further, that in all cases, where the roads embraced in the provisions of this act are discontinued, the title of such commuted or purchased lands, shall revert back to the several persons who may be owners of the lands at the time of such discontinuance.

Approved, 6th February, 1843.

[No. 128.]

AN ACT

To change the time of holding the County Court of Walker County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the first day of March next, the County Courts of Walker county, shall be holden on the second Mondays of August and February, in each and every year, instead of the time now prescribed by law.

Approved, 12th January, 1843.

[No. 129.]

AN ACT

To authorize the Judge of the County Court, and Commissioners of Roads and Revenue, of Dallas County, to execute Titles to certain Real Estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court, and Commissioners of Roads and Revenue, of Dallas county, be, and they are hereby authorized, to execute deeds of conveyance, in fee simple, to the purchaser or purchasers, or their assigns, of any real estate, heretofore sold by their predecessors in office, as the property of said county; and such deeds of conveyance shall have the same force and effect, as if the authority to make the same, had existed at the time of sale.

Approved, 4th February, 1843.

[No. 130.]

AN ACT

To change the times of holding the County Courts of St. Clair, Madison, and Tuscaloosa Counties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That after the passage of this act, the County Courts of the County of St. Clair shall be held on the first Mondays in June and December in each year. St. Clair.

Sec. 2. *And be it further enacted,* That hereafter the County Courts of Madison County shall be held on the third Mondays in June and December in each and every year: Madison.
Provided, that nothing herein contained shall prevent a term of said Court to be held on the third Monday in February, 1843.

Sec. 3. *And be it further enacted,* That the next term of the County Court of Tuscaloosa County shall be holden as heretofore on the third Monday in July, one thousand eight hundred and forty-three, and thereafter the terms of said Court shall be holden on the second Mondays in May and December in each and every year. Tuscaloosa.

Approved, February 13th, 1843.

[No. 131.]

AN ACT

To change the time of holding the Winter Session of the County Court of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the winter session of Talladega County Court, shall be held on the second Monday in February in each and every year, and may continue in session two weeks, unless the business is sooner disposed of.

Sec. 2. *And be it further enacted,* That all process heretofore or hereafter made returnable to the third Monday in January, or any day of the Court commencing at that time, shall be and hereby is made returnable to the second Monday in February, or to a corresponding day in such term, commencing on the second Monday in February aforesaid, and all laws contravening the provisions of this act are hereby repealed.

Approved, 28th December, 1842.

[No. 132.]

AN ACT

To change the time of holding certain Chancery Courts in the Southern Chancery Division.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Chancery Court for the third district of the southern Chancery division shall be holden on the first Monday in March and may continue in session one week; for the fourth district, on the second Monday in March, and may continue in session one week; for the second district on the third Monday in March, and may continue in session one week; for the fifth district on the fourth Monday in March, and may continue in session until the first Monday in April; for the first district on the first Monday in April, and may continue in session two weeks, for the sixth district on the third Monday of April, and may continue in session one week; and in the seventh district on the fourth Monday in April, and may continue in session one week.

Sec. 2. *And be it further enacted,* That all process heretofore issued or hereafter to be issued returnable to said several Courts, at the times now fixed by law, be and the same is hereby made returnable to the terms of said Courts as provided by this act.

Sec. 3. *And be it further enacted,* That the Judge of the Southern Chancery Division, be and he is hereby required to hold a separate Court for the county of Montgomery on the first Monday in July in each and every year, in addition to the Court now required by law.

Approved, 13th February, 1843.

[No. 133.]

AN ACT

To require the County Officers in Marshall County, to receive certain claims therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall hereafter be the duty of the Sheriff, the Clerks of the County Court, and the County Treasurer of the County of Marshall, to receive in payment of any dues to said county, all county claims, properly authenticated.

Approved, 13th February, 1843.

[No. 134.]

AN ACT

To amend the Charter of the Montgomery Rail Road Company, and for other purposes.

WHEREAS, the Montgomery Rail Road, with all the property, implements and fixtures thereunto belonging, was, on the sixth day of July, one thousand eight hundred and forty-two, exposed to public sale, in the city of Montgomery, to satisfy a debt secured by mortgage, executed in accordance with the provisions of the tenth section of the act of the Legislature of this State, entitled An Act to incorporate the Montgomery Rail Road Company: and whereas, the purchasers of the said Montgomery Rail Road, have, since their said purchase under the mortgage aforesaid, tendered to the stockholders who would register their applications to be re-admitted into the same, the right so to do; and also have extended to all the creditors of said Company, the same privilege, if they would come forward and invest their claims in the stock of the said Company. Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That all the rights, and privileges and immunities, heretofore invested in the Montgomery Rail Road Company, by the act of incorporation, approved January the eighteenth, one thousand eight hundred and thirty-four, or which may have been given by any subsequent act or acts of the Legislature, amending the same, be, and the same are hereby fully invested in, and confirmed unto Charles T. Pollard, Lewis Owen, Benajah S. Bibb, Abner McGehee, William Taylor, James E. Scott, Thomas M. Cowles and Charles P. Shannon, the purchasers of said road and property of said Company, as aforesaid, and their associates, upon the express conditions, that they issue certificates of stock in said Company, to all the stockholders of the said Company who have paid up, or who may hereafter pay up, one hundred dollars per share, in full, on every share of stock held in said Company, and to all the creditors of said Company, who shall have registered their applications, or who may hereafter register their applications, to invest their claims against the said Company, in the stock of said Company, or who may, within six months from the publication of notice to said stockholders and creditors, in some newspaper published in Montgomery and Chambers counties, comply with the terms offered by said purchasers, and accepted by other stockholders and creditors of the said Company: *And provided further,* that the benefits and provisions of this section shall be, and the same are hereby extended to all such stockholders in the Montgomery Rail Road Company, as may have forfeited their stock in said Company, by failure to pay up the instalments heretofore required to be paid up by said Company, and who may have paid a portion of said stock, on the condition that said stockholders, or the assignee of said forfeited stock, shall pay up the balance due on said stock, Certain powers transferred to, and vested in, C. T. Pollard, and others.

Conditions.

Counties.

Proviso.

within six, twelve, and eighteen months from the publication of said notice, dividing the said balance into three equal instalments, together with interest thereon; and that all such stockholders or creditors as have complied with the conditions herein contained, or who may hereafter comply with the same, within the time herein prescribed, shall be held and deemed associates of said purchasers, and be placed on the same footing with said purchasers, in all respects whatever: *And it is hereby further provided*, that in the event such stockholders as may have forfeited their stock, in the manner above mentioned, or their assignees, shall fail or refuse to comply with the conditions and provisions herein contained, they shall not be held liable in law or equity for any further balance which may be due on said stock.

Construction
of rights vest-
ed.

Sec. 2. *And be it further enacted*, That the rights, and privileges and immunities, granted to Charles T. Pollard, Lewis Owen, Benajah S. Bibb, Abner McGehee, William Taylor, James E. Scott, Thomas M. Cowles and Charles P. Shannon, and their associates, in the first section of this act, shall be so construed as to enable them, at such period or periods as they may deem advisable, to associate with them any other person or persons, in the management and control of the said Rail Road Company; and that the said rights, privileges and immunities, may be transferred so as to be held in common with themselves, by their associates, hereafter to be made, and by their successors, under this act of incorporation: *And provided further*, that all stockholders or creditors who may have complied, or who may hereafter comply, with the conditions and provisions contained in the first section of this act, shall be held and deemed associates of said purchasers, and shall have and exercise the same rights, and be invested with the same powers in selecting officers or associates to manage and control the affairs of said Company, or to make by-laws for the government of the same, as any one of the purchasers aforesaid, in proportion to the amount of stock held by each of them respectively.

Corporate
name and
style.

Sec. 3. *And be it further enacted*, That from and after the passage of this act, the said incorporation, heretofore known as The Montgomery Rail Road Company, shall hereafter be called The Montgomery and West Point Rail Road Company; and that the said Company shall have until the first day of January, one thousand eight hundred and fifty, to complete said road.

Certain requi-
sitions.

Sec. 4. *And be it further enacted*, That all persons availing themselves of the provisions of the first section of this act, are hereby required to pay the said purchasers or owners an amount, proportional to the sum or sums of money, together with interest from the date of said purchase, according to the stock so applied for by them, as said purchasers or owners may have paid for the purchase of the aforesaid Montgomery Rail Road; and that all persons availing themselves of the provisions of this act, together with the purchasers aforesaid, shall

have and be entitled, in proportion to the amount of stock held by them respectively, to all the rents and profits accruing from said road, from the date of said purchase.

Sec. 5. *And be it further enacted*, That nothing herein contained, shall be so construed as to interfere with, abridge or alter the rights of creditors of the Montgomery Rail Road Company, or to change the liabilities of said Company: *Provided*, that nothing in this act shall be so construed as to prevent any future Legislature of the State of Alabama from altering, modifying or repealing this act. Rights of creditors reserved.

Approved, 13th February, 1843.

[No. 135.]

AN ACT

Supplemental to an act, entitled an act to alter the mode of assessing and collecting the taxes in Sumter County, approved January 4th, 1843, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners Court of Sumter County, at the first or second regular term for the present year, be and they are hereby authorized, to lay off the county into tax beats and appoint assessors, if the same has not been already done for the present year. Duty of court.

Sec. 2. *And be it further enacted*, That it shall be the duty of the clerk of the county court, to furnish the list of assessments for the year, one thousand eight hundred and forty-three, to the assessors, with form and manner now required by law, at the earliest day practicable. Duty of clerk.

Sec. 3. *And be it further enacted*, That the assessors of the taxes shall complete the assessment and forward returns of the same, for the year one thousand eight hundred and forty-three, to the clerk of the county court within such time as the commissioners' court may prescribe, and the said commissioners court shall in like manner, prescribe the time in which the tax shall be collected, and the settlement be made with the county treasury for the year aforesaid. Assessments.

Sec. 4. *And be it further enacted*, That the clerk of the county court shall consolidate the returns in the manner now prescribed by law, and deliver the same to the collector at the earliest practicable period: *Provided*, That the foregoing section shall be considered supplemental to an act entitled An act to alter the mode of assessing and collecting the taxes in the County of Sumter, approved January fourth, one thousand eight hundred and forty-three, and intended to apply its provisions to the present year. Duty of clerk.

Sec. 5. *And be it further enacted*, That in estimating the amount of merchandize sold subject to taxation, the esti-

Merchandize. mate shall be made from January to January in each and every year, instead of the period now fixed.

Powers of collectors.

Sec. 6. *And be it further enacted*, That hereafter when it becomes necessary for tax collectors to force collections of the taxes by law, it shall be lawful for them to deliver certified copies of the amounts due from each individual, to the civil officers of the county, who shall be authorized to collect the same by levy and sale, as on civil process under judgment and execution.

Taxes of 1840, 1841 or 1842.

Sec. 7. *And be it further enacted*, That taxes now due, assessed in either of the years one thousand eight hundred and forty, one thousand eight hundred and forty one, or one thousand eight hundred and forty-two, may be now collected in the same manner, as provided for in the sixth section of this act; and the assessors for each of these years respectively, may make out the list of assessment, and enforce collections, as provided for in the said sixth section.

Approved, 10th February, 1843.

[No. 136.]

AN ACT

Defining the duties of the Commissioners of Roads and Revenue, for the County of Cherokee, and for other purposes.

Preamble.

WHEREAS: by an act of the Congress of the United States, entitled an act to grant to Cherokee county, Alabama, the tract of land on which the seat of Justice, of said county, has been located, approved, July fifth, 1838; a certain tract of land, in the said act specified, was granted to said county of Cherokee, at the minimum price of public lands; upon which said tract is situated the town of Cedar Bluff, the county seat of said county: *And, whereas*, doubts have arisen as to who would be the proper authorities to enter the said land, according to the provisions of said act, to the end that said land may be entered for the use and benefit of said county.

Duty of court.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it is hereby made the duty of the Judge of the County Court, and Commissioners of Roads and Revenue, for the county of Cherokee, or a majority of them, as early as convenient, after the passage of this act, to convene the Commissioners' Court of said county, and pass an order, requiring the county Treasurer, forthwith, to enter the said tract of land, for the use and benefit of Cherokee county, and pay for the same out of any money belonging to the county Treasury of said county; which money shall be reimbursed to the County Treasury, from the money arising from the sale of the lots in said town.

Sec. 2. *And be it further enacted*, That full and complete

authority and control over the sale of the lots of said town, and the proceeds of the same, which sales have been heretofore made, and were by the General Assembly of this State, legalized by an act, entitled an act to legalize the proceedings of the Commissioners appointed by an act, entitled an act to locate the seat of Justice of Cherokee county, and for other purposes, passed at the called session of the General Assembly of the State of Alabama, in the year eighteen hundred and thirty seven, and approved June twenty-fourth, eighteen hundred and thirty-seven is hereby vested in the said Judge and Commissioners, and they, or a majority of them, so soon as it shall be in their power to make titles to said lots, agreeable to the condition of the said sale, are hereby authorized to require the County Treasurer, forthwith to proceed to the collection of the debts due for the purchase of said lots by suit or suits, or otherwise, but the Court of Commissioners of Roads and Revenue aforesaid, or a majority of them, are authorized, upon the payment by any purchaser of one-fourth of the original purchase money for any of said lots, to grant an indulgence for the remainder, of not exceeding one, two and three years, dividing it into equal instalments, in all cases, and the money collected from the sale of said lots, after paying the original purchase money of the said tract of land, in the preamble specified, shall be set apart as aforesaid, to be applied exclusively, with such other fund as the said court may set apart to the erection of public buildings, and for no other purpose, under the direction of said Judge and Commissioners, or a majority of them, any law contravening any of the provisions of this act, to the contrary notwithstanding.

Powers of
court.

Approved, 14th February, 1843.

[No. 137.]

AN ACT

To authorize the Commissioners Court of Greene County, to erect a Jail at Greensborough for the safe keeping of slaves levied on under execution.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Commissioners Court of the county of Greene, be, and they are hereby authorized to appropriate the sum of five hundred dollars, to be drawn from any monies in the County Treasury, not otherwise appropriated, for the purpose of building a Jail at Greensborough, for the safe keeping of such slaves as may be levied upon, by process of law, for public sale, under execution, and such runaway slaves as may be arrested or taken up, in that part of Greene County, lying east of the Black Warrior river, and the said Commissioners are hereby authorized to contract for the building of the said Jail upon such terms as they may deem expedient.

Approved, 13th February, 1843.

[No. 138.]

AN ACT

To authorize the levying of a Special Tax to build a Jail House in the County of Barbour.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court of roads and revenue for the county of Barbour, be and they are hereby authorized and required to build or cause to be built a jail in said county, at the seat of justice therein, at the time and by the means hereinafter prescribed.

Sec. 2. *And be it further enacted,* That the said commissioners court is hereby authorized and empowered to levy a tax in said county for the purpose of defraying the expenses of building said jail house; the said tax to be uniform in its rates, and to be assessed and collected precisely in the same manner that the county tax of said county has hitherto been assessed and collected, or may be assessed and collected at the time of the enforcement of this act.

Sec. 3. *And be it further enacted,* That the proceeds arising from the levy of said tax shall be kept separate and apart from every other fund, and shall be under the control and subject to the order of the said court or a majority of its members; and that the said court, or a majority of its members shall have full powers to execute the purposes of this act, and shall have full discretionary power, as to the building of the said jail house, as to the materials and manner of its construction, and they may contract with any person or persons for the building of the same: *Provided however,* that the entire cost of said jail house, shall in no event cost, or exceed the sum of thirty-five hundred dollars, the amount of tax to be levied for the purposes specified in this act: *And provided further,* that the said tax for the purposes aforesaid, shall be levied by three annual amounts or instalments.

Sec. 4. *And be it further enacted,* That the said court shall proceed to do the duties and requirements herein specified at the first, or if that time be not suitable, then at the second term of the same, to be holden after the passage of this act.

Sec. 5. *And be it further enacted,* That the said commissioners court be and it is hereby authorized and empowered to sell and convey the lot or parcel of ground on which the old jail now stands, if deemed advisable, and select another more eligible on which to build the new jail herein contemplated to be built.

Approved, 14th February, 1843.

[No. 139.]

AN ACT

To amend an act, to alter the mode of Assessing and collecting the Taxes in the County of Sumter.*

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Commissioners' Court, at the last term of said court, for each and every year, to appoint some Magistrate, or other suitable person in each and every tax beat in said county, for the ensuing year, and that the Commissioners for said county, be authorized and required to hold a special term of said court, the first Monday in January next, for the appointment of Assessors, as above required, to assess all the property subject to taxation in their respective beats. Duty of commissioners court.

Sec. 2. *And be it further enacted,* That it shall be the duty of the Assessors so appointed, to attend on two several days at two different places, most convenient to the population in their respective beats, for the purpose of assessing the taxes, of which ten days previous notice shall be given by advertisement in three several places within each beat. Duty of assessors.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Clerk of the County Court of said county, to transmit to each of the Assessors so appointed, a list of all the taxable property, together with the form and manner of assessment, on, or before the first day of January, in each and every year, under the supervision of the Judge of the County Court: *Provided,* that for the year eighteen hundred and forty-three, the Clerk of the County Court shall furnish the list required by this section, to the different assessors by the third Monday in January, of the same year. Duty of clerk. Proviso.

Sec. 4. *And be it further enacted,* That it shall be the duty of the Assessors to complete and forward their returns to the Clerk of the County Court, on or before the first day of March, in each and every year, under the same restrictions and regulations as now required by law. Assessors to make returns.

Sec. 5. *And be it further enacted,* That it shall be the duty of the Clerk of the County Court, to consolidate the returns of assessments, by the first day of April, in each and every year, in a book to be kept by him, and to make out two copies thereof, one of which he shall deliver to the County Treasurer, and the other to the Tax Collector, and for these services, shall receive such pay as the Commissioners' Court may think proper and just. Clerk to consolidate returns.

Sec. 6. *And be it further enacted,* That it shall be the duty of the Tax Collector to attend on two several days, at two different places, most convenient, in his judgment, to a majority of the population, of which ten days previous notice shall be given by advertisement, in three different public places, within the several beats. Duty of collector.

Repeal.

Sec. 7. *And be it further enacted*, That all laws, or parts of laws, conflicting with the provisions of the above act be, and the same are hereby repealed.

Approved, 4th January, 1843.

[No. 140.]

AN ACT

To increase the County Tax in Marengo County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Commissioners of Roads and Revenue, together with the Judge of the County Court of Marengo county, be, and they are hereby authorized to levy such amount of taxes, for the next three years, as the wants of said county may require: *Provided*, that not more than eight thousand dollars be levied in any one year.

Approved, February 13th, 1843.

[No. 141.]

AN ACT

To extend the time for the collection of the Taxes in Cherokee County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Henry Lawrence, the present tax collector of Cherokee county in this State, shall be allowed until the first day of March next, in which to complete the collection of the taxes in said county, and to make his return, any law to the contrary notwithstanding.

Approved, 17th December, 1843.

[No. 142]

AN ACT

To authorize the Commissioners' Court of Roads and Revenue of the county of Tallapoosa, to levy a tax for certain purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be lawful for the Commissioners Court of Roads and Revenue of the county of Tallapoosa, to impose such tax (in addition to the tax levied for county purposes) as may be necessary to pay any amount of money that the Court House Commissioners of said county, may be liable to pay, for building a Court House and Jail in the county of Tallapoosa, and that all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th February, 1843.

[No. 143.]

AN ACT

For the relief of the Tax Collector of Dale County, for the year 1841.

WHEREAS, the Tax Collector for the county of Dale failed from providential causes, to collect a portion of the taxes due in said county, for the year, one thousand eight hundred and forty-one, and has been required by the proper authority, to account for, and pay over the same: *Therefore,*

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the clerk of the county court of the county of Dale, to make out a list of all persons in the counties of Dale and Coffee, who did not pay their taxes for the year one thousand eight hundred and forty-one, together with the amounts due by each, opposite his name, which shall be delivered to the tax collector of the county of Dale, and another list of the same purport, to be delivered to the Collector for the county of Coffee, and the two collectors shall proceed to collect the taxes, which appear so to be due on said two lists, and shall return the money collected to the county treasurer of Dale county, (deducting their commissions,) by the first Monday in November next.

Duty of clerk

Sec. 2. *And be it further enacted,* That the commissioners court of roads and revenue for the county of Dale, shall cause a sufficient amount of said money to be paid over to the collector of Dale county for the year one thousand eight hundred and forty-one, to reimburse him for all sums, which he shall or may prove to the satisfaction of said commissioners court, that he has been compelled to pay over, for or on account of the neglect above mentioned.

Duty of court.

Approved, 14th February, 1843.

No. 144.]

AN ACT

To authorize the Judge and Commissioners of the County of Conecuh to purchase a certain lot of Land, for the use of the County therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Judge of the County Court and Commissioners of Roads and Revenue of the County of Conecuh, be, and they are hereby authorized and empowered to purchase of, and to take and receive from Malichi Warren, a deed of conveyance to the south east quarter of section thirty six, township five, and range eleven, in the district of lands subject to sale, at Sparta, in this State, for the use of said county, being the land on which the Court house of said county now stands, and the said Warren is hereby authorized and empowered to convey to said Judge and Commissioners, all the right, title and interest he may have in and to said lot of land.

Approved, 15th February, 1843.

[No. 145.]

AN ACT

To compensate the Commissioners of Roads and Revenue, of Marion County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the officers composing the Court of Roads and Revenue, in the county of Marion, shall each receive the sum of one dollar, for each day (*Provided*, the said Court shall in no case continue more than two days,) they may be required to attend said Commissioners' Court, to be paid out of the County Treasury, on the certificate of the Clerk of the County Court, stating the number of days said officers have actually served; and it shall be the duty of the County Treasurer of said county, to pay the amount so certified to, out of any moneys in the Treasury not otherwise appropriated.

Sec. 2. *And be it further enacted,* That if any one of said Commissioners shall hereafter refuse or neglect to attend any Commissioners' Court appointed by law in said county, not having a sufficient excuse therefor, to be adjudged by a majority of said Court, to hear and determine at their succeeding Court, after such default, shall severally pay a fine of five dollars, into the County Treasury, for county purposes; and it shall be the duty of the said Court to enter judgment, and issue execution for all fines which may be incurred under this act.

Approved, 1st February, 1843.

[No. 146.]

AN ACT

To require the County Officers of Marshall County, to receive certain claims therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall hereafter be the duty of the Sheriff and Clerks of the Circuit and County Courts, and the County Treasurer of the County of Marshall, to receive in payment of any dues of said county, all County claims properly authenticated.

Approved, 14th February, 1843.

[No. 147.]

AN ACT

To provide for the Election of Tax Collectors for the Counties of Cherokee and De Kalb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Tax Collectors, to collect the taxes for the year one thousand eight hundred and forty-three, in the counties of Cherokee and De Kalb, shall be elected at the time now prescribed by law, and thereafter at each general election annually, commencing on the first Monday in August, next.

Approved, 14th February, 1843.

[No. 148.]

AN ACT

To authorize an extra term of the Commissioners Court in Sumter County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the county court of Sumter county, and commissioners of roads and revenue, be and they are hereby authorized to hold an extra term of the commissioners court, on the second Monday of January, in order to lay off the county into tax beats for the present year, as contemplated by the law now in force.

Approved, 5th January, 1843.

[No. 149]

AN ACT

Relating to Taxes and Jury Certificates in Covington County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the first and second section of an act, approved on the twenty-second day of December, one thousand eight hundred and forty, requiring the tax collector of Covington county, to receive jury certificates and Wolf Scalps in the payment of county tax, be and the same is hereby repealed.

Approved, 4th January, 1843.

[No. 150.]

AN ACT

Authorizing the building of a Jail in the Town of Huntsville, in the County of Madison, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, it shall be lawful for the Judge of the County Court of Madison county, together with the Commissioners' Court of Roads and Revenue, to levy a tax, not to exceed twenty-five per cent. on their county levy, for the purpose of building a jail in said county. Court may levy tax.

Sec. 2. *And be it further enacted,* That said Judge, and Commissioners' Court, are authorized and empowered to sell the present jail, and the lot on which the same is situate; and to purchase a lot, and contract for and superintend the building of a jail thereon. May sell the present jail and lot.

Sec. 3. *And be it further enacted,* That said Judge, and Commissioners' Court, shall not be allowed to expend (besides the amount of money received from the sale of the old jail and lot,) more than eight thousand dollars, for the purposes hereinbefore provided for. Restriction.

Sec. 4. *And be it further enacted,* That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, February 7th, 1843.

[No 151.]

AN ACT

To amend an act entitled an act to restrain excessive Taxation for County purposes, in the county of Tallapoosa, approved, December 29th, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall and may be lawful for the Commissioners' Court of Roads and Revenue of the county of Tallapoosa, to levy a county tax for county purposes, for the year eighteen hundred and forty-three, on all property and things heretofore taxed in said county, in the year eighteen hundred and forty-two, to an amount in addition to the tax levied in eighteen hundred and forty one, not exceeding one-third higher in the aggregate, any law to the contrary notwithstanding.

Approved, February 7th, 1843.

[No. 152.]

AN ACT

To authorize the Judge of the County Court, and Commissioners of Revenue and Roads, of certain Counties, to levy an Extra Tax, for the purpose of paying County debts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be lawful for the Judge of the County Court, and Commissioners of Revenue and Roads, of Cherokee county, to levy a tax upon the citizens of said county, for the purpose of paying off the debts and current expenses of said county: *Provided,* the same shall not, in any one year, exceed one hundred per cent. upon the State tax collected in said county.

Sec. 2. *And be it further enacted,* That the provisions of this act be extended to the counties of De Kalb and Jackson; and that all county claims shall be receivable in payment of county taxes, in Cherokee county.

Approved, 13th February, 1843.

[No. 153.]

AN ACT

To authorize the Judge of the County Court and Commissioners of Roads and Revenue of Morgan County, to levy a Special Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the county court and commissioners of roads and revenue for the county of Morgan, be and they are hereby authorized to levy and collect, on the persons and property of said county, such tax as may be necessary for the purpose of paying the debts of said county, so that said levy shall not exceed in any one year, one hundred per cent on the State tax of this year.

Approved, 13th February, 1843.

[No. 154.]

AN ACT

To amend the law, altering the mode of Assessing and Collecting the Taxes in Pike County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That there shall be elected on the first Monday in May next, a Collector of Taxes, for the year eighteen hundred and forty three, and at each general election held thereafter, in each year, there shall be elected a Collector of taxes for said county, who shall enter into bond with good security, to be approved of by the Judge of the County Court of said county, in such sum as the said judge may require, conditioned for the faithful discharge of his duties. Election of collector.

Sec. 2. *And be it further enacted,* That there shall be appointed in each Captain's beat, an Assessor, as now required by law, and the assessor so appointed, shall make return to the Clerk of the County Court of said county, his book of assessment in alphabetical order, by the first Monday in June of each year, and shall receive for his services, five per cent., on the amount assessed, to be paid out of the County Treasury, out of the first money collected each year, on the certificate of the clerk, specifying the amount of such assessment. Appointment of assessor.

Sec. 3. *And be it further enacted,* That it shall be the duty of the Clerk of the County Court, to consolidate the said returns, and make out two copies, one of which he shall deliver to the County Treasurer, the other to the Tax Collector, and take each of their receipts, which shall be filed away in his said office, the copies to be delivered by the first day of July, in each year; and if said clerk shall fail to discharge the duties assigned him, shall forfeit and pay fifty dollars, to be recovered by motion before the County Court, in the name of the Treasurer, giving the said clerk five days notice thereof. Duty of clerk.

Sec. 4. *And be it further enacted,* That the Tax Collector shall proceed to collect the taxes, in the mode, and in the manner prescribed in said act; and shall make full settlement with the Treasurer of the said county, by the first Monday in November in each year, at which time it shall be the duty of the Commissioners' Court of Roads and Revenue, to hold a Special Court, on the first Monday in November, and allow to the Tax Collector such insolvencies as shall be satisfactorily proved to them by the oath of the Tax Collector; which list of insolvencies shall be placed in the hands of the Treasurer, and by him placed in the hands of the Tax Collector for the next ensuing year, taking his receipt therefor, and it shall be the duty of such Tax Collector, to collect and account for the same; the said list shall operate as an execution, and the said Tax Collector may levy and sell, as in other cases. Collection of taxes.

Sec. 5. *And be it further enacted,* That the Tax Collector

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shall receive and retain out of the amount of money collected and paid over to the County Treasurer, five per cent., on the amount so paid over: *Provided further*, that if the said tax collector shall fail to present a list of insolvencies to the court authorized to allow the same, by the time specified in said act, that he shall not be allowed anything for insolvencies, but shall pay over the whole amount, and on failure thereof, shall be liable to be proceeded against as the law now requires.

Election.

Sec. 6. *And be it further enacted*, That it shall be the duty of the Sheriff of said county to superintend the election provided for in the first section of this act, and make due return of the same to the Judge of the County Court, and on the certificate of said judge, the said collector is duly authorized to act.

Repeal.

Sec. 7. *And be it further enacted*, That all laws and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 14th February, 1843.

[No. 155.]

AN ACT

Authorizing the levy of a Special Tax in Talladega County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Commissioners' Court of Roads and Revenue, for the county of Talladega, be, and they are hereby authorized to levy a tax upon said county, at its first session, after the passage of this act, sufficient for the completion of the courthouse of said county: *Provided*, said levy, in amount, shall not exceed the sum of one thousand dollars.

Sec. 2. *And be it further enacted*, That said tax shall be assessed and collected by the same officer, and under the same regulations, as other county taxes; and when collected, shall be paid over to the Commissioners of Public Buildings, for the purpose aforesaid.

Approved, February 6th, 1843.

[No. 156.]

AN ACT

To regulate the compensation of Jurors and Witnesses, in Talladega County and for other purposes.

Witnesses.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all witnesses summoned to attend in any cause pending in either the Circuit or County Courts of Talladega county, shall receive as compensation for their services the sum of one dollar per day and mileage at the rate of five cents per mile, going to and returning from court, to be taxed in the usual form of law.

Sec. 2. *And be it further enacted*, That all Grand and Petit Jurors summoned to attend either of said courts, shall receive

for their services the sum of one dollar per day, and five cents ^{Jurors.} per mile, going to and returning from court, to be paid as heretofore provided by law.

Sec. 3. *And be it further enacted*, That all Assessors and Tax Collectors, for Talladega county, hereafter to be elected, shall receive for assessing and collecting the taxes, the sum of ^{Tax collector and assessor.} six per cent., upon the amount so collected; and the County Treasurer, such sum only, as may be allowed him by the Commissioners' Court of Roads and Revenue.

Sec. 4. *And be it further enacted*, That all laws contravening the above provisions, be, and the same are hereby repealed.

Approved, 8th February, 1843.

[No. 157.]

AN ACT

To authorize the Commissioners Court of Roads and Revenue of Sumter County, to raise by taxation the sum of ten thousand dollars, in pursuance of the provisions therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the court of commissioners of roads and revenue of Sumter county, be and are hereby authorized to raise within three years from the passage of this act, by taxation in said county, over and above the rate of taxation now authorized by law, the sum of ten thousand dollars for the purpose of completing payment for the building of a court house, in and for said county.

Approved, 27th January, 1843.

[No. 158.]

AN ACT

To extend the time for collecting the Taxes of Walker County, for the years 1840 and 1841.

WHEREAS, the sheriff of Walker county, has failed to collect the taxes for said county, for the years 1840 and 1841; for remedy whereof,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sheriff of said county of Walker, be, and ^{Sheriff to collect tax.} is hereby authorized, and it is made his duty, to collect all such county taxes, in said county, as remained uncollected, by his predecessor in office.

Sec 2. *And be it further enacted*, That said sheriff shall receive, as compensation for such services, twenty per cent. ^{How assessed and collected.} on the amount so by him collected.

Approved, February 13th, 1843.

[No. 159.]

AN ACT

For the relief of the Tax Collector of Covington County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Stephen Cobb, tax collector of Covington county, for the years one thousand eight hundred and forty-one, and one thousand eight hundred and forty-two, be, and he is hereby allowed until the first Monday in May next, to complete the assessment and collection of taxes for said years, any law to the contrary notwithstanding: *Provided,* that it shall be the duty of said tax collector, on or before the first Monday in May next, to make final and full settlement of the taxes of each of said years, or be subject to all the penalties prescribed by law.

Approved, February 14th, 1843.

[No. 160.]

AN ACT

To provide a Special Tax for Marshall County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for the Court of Commissioners of Roads and Revenue, of the county of Marshall, to levy and collect, in cash, a special tax, for the support of paupers in the poorhouse in said county.

Sec. 2. *And be it further enacted,* That the tax collector, for said county, shall keep the tax, so levied and collected, separate and distinct from the other tax of the county, and pay the same over, when collected, to the County Treasurer, by the twentieth day of December, in each and every year, to be subject to the order of the Court of Commissioners of Roads and Revenue, of said county.

Approved, February 13th, 1843.

[No. 161.]

AN ACT

To authorize the Commissioners Court of Butler County to levy an additional Tax.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners court of the county of Butler, may, if they deem it necessary to defray county expenses, levy an additional tax, of twenty-five per cent on the amount required by law in one thousand eight hundred and forty-one.

Sec. 2. *And be it further enacted,* That for the purpose of enabling said court of commissioners of roads and revenue of said county, to comply with the first section of this act, they are hereby authorized to hold a special term of said court on the first Monday in April next, one thousand eight hundred and forty-three, any law or usage to the contrary notwithstanding.

Approved, 14th February, 1843.

[No. 162.]

AN ACT

To divorce Jane S. Wheeler, from her husband, Charles J. Wheeler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance of a decree of the Chancery Court, held at the city of Mobile, in the county of Mobile, on the second Monday of November, one thousand eight hundred and forty-one, the bonds of matrimony, heretofore solemnized and subsisting between Jane S. Wheeler, and her husband, Charles J. Wheeler, be, and the same are hereby dissolved and annulled; and that the said Jane S. Wheeler, is hereby divorced from her said husband, Charles J. Wheeler.

Approved, February 1st, 1843.

[No. 163.]

AN ACT

To divorce Margaret S. Oliver, from her husband, Creed T. Oliver.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That pursuant to the decree of the Chancery Court, for the county of Lowndes, the bonds of matrimony, heretofore solemnized and subsisting between Margaret S. Oliver, and her husband, Creed T. Oliver, be, and the same are hereby dissolved and annulled; and that the said Margaret S. Oliver be divorced from her said husband, Creed T. Oliver.

Approved, February 7th, 1843.

[No. 164.]

AN ACT

For the relief of Charles Stone, and his wife, Mary S.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the matrimonial rights heretofore solemnized between Charles Stone and Mary S. Griffin, be, and the same are hereby declared to be legalized, and in full force and effect in law, any law to the contrary notwithstanding.

Approved, 2d February, 1843.

[No. 165.]

AN ACT

To divorce Job H. Scruggs, from his wife, Virginia Scruggs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That in pursuance of a decree of the Chancery Court, held at Moulton, for said State, the bonds of matrimony, heretofore subsisting between Job H. Scruggs, and his wife, Virginia Scruggs, be, and the same are hereby dissolved and made void; and that the said Job H. Scruggs be, and he is hereby divorced from his wife, Virginia Scruggs.

Approved, January 30th, 1843.

[No. 166.]

AN ACT

To divorce Harriet Spriggs from her husband Erastus L. Spriggs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the Chancery Court held in the city of Mobile, at the April term, one thousand eight hundred and forty-two, pronouncing and decreeing the bonds of matrimony heretofore subsisting between Harriet Spriggs and her husband Erastus L. Spriggs to be dissolved, be and the same are hereby dissolved and made void, and that the said Harriet Spriggs, be and is hereby divorced from her husband Erastus L. Spriggs.

Approved, 1st February, 1843.

[No. 167.]

AN ACT

To divorce Benjamin Gleadall from his wife Ellen Gleadall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the Chancery Court, pronouncing the bonds of matrimony, heretofore subsisting between Benjamin Gleadall, and his wife, Ellen Gleadall, to be dissolved, be, and the same are hereby dissolved and void; and that the said Benjamin Gleadall, be, and is hereby divorced from his wife, Ellen Gleadall.

Approved, February 8th, 1843.

[No. 168.]

AN ACT

To Divorce Mariah Boothe, from her husband, George W. Boothe.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That, pursuant to the decree of the Chancery Court, rendered at the June term of said Court, eighteen hundred and forty, for the county of Lawrence, the bonds of matrimony heretofore solemnized between Mariah Boothe and her husband, George W. Boothe, be, and the same are hereby dissolved and annulled, and that the said Mariah Boothe be divorced from her said husband, George W. Boothe.

Approved, 21st January, 1843.

[No. 169.]

AN ACT

To divorce Thomas Downing from his wife Sarah Downing.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened.* That pursuant to the decree of the Chancery Court for the county of Montgomery, the bonds of matrimony heretofore solemnized between Thomas Downing and his wife Sarah Downing, be and the same are hereby dissolved and annulled, and that the said Thomas Downing be divorced from his wife Sarah Downing.

Approved, February 14th, 1843.

[No. 170]

AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance to the decrees of the several Chancery Courts of this State hereinafter mentioned, the bonds of matrimony heretofore solemnized and subsisting between the following named persons, be and the same are hereby dissolved and annulled, and that Elizabeth Darcey be divorced from Alfred E. Darcey, her husband, pursuant to the decree rendered by the said Chancery Court of Lawrence county, at the May term of said court one thousand eight hundred and forty-two. And that William Stovall be divorced from Martha Stovall, his wife, pursuant to the decree of said Chancery Court, for said county of Lawrence, rendered at the January term of said court. And that Frances M. Dean, be divorced from Gabriel C. Dean her husband, pursuant to the decree of the Chancery Court, for Autauga county, rendered at the May term of said court, one thousand eight hundred and forty-two. And that Catharine Whiddon be divorced from Wester Whiddon, her husband, pursuant to the decree of the Chancery Court of Montgomery county, rendered at the December term of said court, one thousand eight hundred and forty-two. And that Elizabeth Langford be divorced from Joseph H. Langford her husband, pursuant to the decree of the Chancery Court, for the county of Shelby, at the August term of said court in the year, one thousand eight hundred and forty-one.

Darcey from Darcey.

Stovall from Stovall.

Dean from Dean.

Whiddon from Whiddon.

Langford from Langford.

Sec. 2. *And be it further enacted,* That the said Elizabeth Langford shall hereafter be known and called by the name of Elizabeth Thompson, and not by the name of Elizabeth Langford.

Name chng'd.

Approved, 1st February, 1843.

[No. 171.]

AN ACT

To divorce Mary T. Judson from her husband Lewis Judson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That pursuant to a decree of the Chancery Court for Mobile county, rendered at the April term of said court, one thousand eight hundred and forty-two, the bonds of matrimony heretofore solemnized between Mary T. Judson and her husband Lewis Judson, be and the same are hereby dissolved and annulled, and that the said Mary T. Judson is hereby divorced from her said husband Lewis Judson.

Approved, 13th February, 1843.

[No. 172.]

AN ACT

To divorce Jane Hardin from her husband John B. Hardin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in pursuance of the decree of the Chancery Court for the fourth district of the Northern Chancery division of this State, rendered at the August term of said Court, held at Columbiana, in the year eighteen hundred and forty-two, the bonds of matrimony heretofore solemnized and subsisting between Jane Hardin and John B. Hardin her husband, be, and the same are hereby dissolved and annulled, and that the said Jane Hardin be divorced from her said husband John B. Hardin.

Approved, 30th January, 1843.

[No. 173]

AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That pursuant to the decree of the Chancery Court, for the county of Greene, rendered at the November term of said Court, one thousand eight hundred and forty-two, the bonds of matrimony, heretofore solemnized and subsisting between Anne Jane Paschal, and her husband, John E. Paschal, be, and the same are hereby dissolved and annulled; and that the said Anne Jane Paschal be divorced from her said husband, John E. Paschal.

Paschal from
Paschal.

Sec. 2. *And be it further enacted,* That pursuant to the decree of the Chancery Court, rendered at a special term, for Talladega county, held in November, one thousand eight hundred and forty-two, the bonds of matrimony, heretofore solemnized between Hannah Whatley, and her husband, Willis Whatley, be, and the same are hereby dissolved and annulled; and that the said Hannah Whatley be, and she is hereby divorced from her husband, Willis Whatley.

Whatley from
Whatley

Sec. 3. *And be it further enacted,* That pursuant to the decree of the Chancery Court, rendered at a special term, of said Court, held for Talladega county, in November, one thousand eight hundred and forty-two, the bonds of matrimony, heretofore solemnized between Elijah Dodson, and his wife, Bethena G. Dodson, be, and the same are hereby dissolved and annulled; and that the said Elijah Dodson be divorced from his wife, Bethena G. Dodson.

Dodson from
Dodson.

Sec. 4. *And be it further enacted,* That pursuant to the decree of the Chancery Court, rendered at the April term, of said Court, in the year one thousand eight hundred and forty-two, for the county of Mobile, the bonds of matrimony, heretofore solemnized between John G. Bates, and his wife, Marian Bates, be, and the same are hereby dissolved and annulled; and that the said John G. Bates be divorced from his wife, Marian Bates.

Bates from
Bate.

Approved, February 13th, 1843.

[No. 174.]

AN ACT

To divorce Caroline Richie from her husband, Anthony Richie.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in pursuance of a decree of the Chancery Court, held in Montgomery, for said State, at the June term, eighteen hundred and forty-one, pronouncing and decreeing the bonds of matrimony heretofore solemnized and subsisting between Caroline Richie and her husband Anthony Richie, to be dissolved, be and the same are hereby dissolved, and made void, and that the said Caroline Richie be divorced from her husband Anthony Richie.

Approved, 30th January, 1843.

[No. 175.]

AN ACT

To divorce certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That pursuant to the decree of the Chancery Court, of Greene county, rendered at the November term, of said Court, one thousand eight hundred and forty-two, the bonds of matrimony, heretofore solemnized between Nancy R. K. Boatwright, and her husband, Hiram H. Boatwright, be, and the same are hereby dissolved and annulled; and that the said Nancy R. K. Boatwright be divorced from her said husband, Hiram H. Boatwright.

Boatwright
and Boatwright.

Sec. 2. *And be it further enacted,* That pursuant to the decree of the Chancery Court, for Talladega county, rendered at a special term, in November, one thousand eight hundred and forty-two, the bonds of matrimony, heretofore solemnized between Ann D. Sandford, and her husband, Vincent Sandford, be, and the same are hereby dissolved and annulled; and that the said Ann D. Sandford be divorced from her said husband, Vincent Sandford; and that the said Ann D. Sandford be known by the name of Ann D. Broughton.

Sandford
from Sandford.

Sec. 3. *And be it further enacted,* That pursuant to the decree of the Chancery Court, rendered at Moulton, at the May term of said Court, the bonds of matrimony, heretofore solemnized between Caroline S. Brooks, and her husband, Alexander M. Brooks, be, and the same are hereby dissolved and annulled; and that the said Caroline S. Brooks be divorced from her said husband, Alexander M. Brooks.

Brooks from
Brooks.

Sec. 4. *And be it further enacted,* That pursuant to the decree of the Chancery Court, rendered at Eutaw, at the July term, of said Court, in the year one thousand eight hundred and forty-one, the bonds of matrimony, heretofore solemnized between Melvina Hundley, and her husband, John Hundley, be, and the same are hereby dissolved and annulled; and that the said Melvina be divorced from her said husband, John Hundley.

Hundley from
Hundley.

Approved, February 13th, 1843.

[No. 176.]

AN ACT

To fix the compensation of the Judge of the County Court of Mobile County.

Salary fixed
at \$1,800.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the salary of the Judge of the County Court of Mobile county is hereby fixed at eighteen hundred dollars per annum, and the said Judge shall receive no fee or compensation besides, for any official service whatever; and the clerk of the county court shall at the expiration of each quarter, issue his order on the county treasurer, for the sum of four hundred and fifty dollars, in favor of the said Judge, taking his receipt for the same.

Fees to be
collected and
paid into
county treasurer.

Sec. 2. *And be it further enacted,* That the fees that have been or may hereafter be allowed to the Judge of the county court of Mobile county, shall be collected by the clerk of that court, for the use of the said county, and if he shall fail to do so, or to pay the same into the county treasury, the county treasurer shall commence proceedings against the said Clerk and his securities as in other cases of defaults as heretofore provided.

Appeals from
Justices'
courts.

Sec. 3. *And be it further enacted,* That all appeals from Justices of the Peace, and all cases pending on *certiorari* in the circuit and county courts of Mobile county, and all cases of appeal or *certiorari* to Justices of the Peace that may hereafter arise in the said county, shall be returned into the county court of the said county, and shall be heard and determined at the special terms of the said county court, which are holden for the decision of cases in admiralty.

Executions.

Sec. 4. *And be it further enacted,* That the execution that shall hereafter issue on judgment at the said special terms of the county court of said county, shall be made returnable to the regular terms of the said court, and the same proceedings shall be had thereon, as if the same had been issued on a judgment at said regular terms.

Approved, 14th February, 1843.

[No. 177.]

AN ACT.

To extend the provisions of an act therein named, to the Counties of Coosa, Russell, and Henry.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the provisions of an act entitled an act, to establish jury trials in Justices' Courts in certain counties in this State, and to regulate the proceedings therein, approved December thirty-first, one thousand eight hundred and forty-one, be and the same are hereby extended to the counties of Coosa, Russell, and Henry.

Approved, 4th January, 1843.

(No. 178.)

AN ACT

To exempt certain persons in the county of Mobile, from working on the roads.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That in lieu of the labor and services required to be performed on the public roads, such of the citizens of beat No. one, in Mobile county, as may perform work and labor in cleaning out the Narrows of Fowl river, situate in sections thirty-five and twenty-six in township seven, range two, west, to an amount equal to the amount of labor now required to be done on the public roads, shall be and they are hereby exempt from working on the public roads. Certain citizens exempted.

Sec. 2. *And be it further enacted,* That it shall be the duty of the road court of Mobile county, annually to appoint one overseer to superintend said work, whose duty it shall be to report to said road court, the number of days labor performed by each person on said Narrows. Overseer.

Approved, 2d February, 1843. ✓

[No. 179.]

AN ACT

To amend the Road Laws, so far as they relate to the County of Marengo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of an act entitled an act to amend and consolidate the laws on the subject of roads, approved December twenty-third, one thousand eight hundred and thirty-six, as authorizes overseers of roads to make contracts for the purchase of timber, be, and the same is hereby repealed, so far as the same relates to the county of Marengo. Repeal.

Sec. 2. *And be it further enacted,* That when any overseer on any public road, in the county of Marengo, shall use the timber of any person about such road, it shall be the duty of such overseer to give to the owner of the timber so used, a certificate of the number of trees taken by him; and it shall be the duty of the Court of Revenue and Roads, of said county, upon the presentation of the certificate of the overseer of any public road, certifying the number of trees used by him, and upon satisfactory proof of the value thereof, to make an allowance in favor of the owner of said timber: *Provided,* that if the owner of said timber shall not be satisfied with the amount so allowed, he shall have the right to demand a jury, whose assessment shall be final. Overseer to give a certificate to the owner of timber used on road.

Approved, February 13th, 1843.

[No. 180.]

AN ACT

To amend an act entitled an act, to establish a Road Court in Mobile county, approved 27th December, 1841.

Sheriff shall
hold election

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That it shall be the duty of the Sheriff of Mobile county to hold the election provided for in the act, to which this is an amendment, on the first Monday of February, A. D., one thousand eight hundred and forty-three, and on the first Monday of February every three years thereafter.

First meeting
of board.

Sec. 2. *And be it further enacted*, That the board of road commissioners of Mobile county, to be elected under the provisions of this act, shall hold their first meeting on the first Monday of March, one thousand eight hundred and forty-three, and every two months thereafter.

Duty of sheriff.

Sec. 3. *And be it further enacted*, That it shall be the duty of the Sheriff of Mobile county, to collect and pay over to the county treasurer, the road tax assessed by the Judge of the county court and commissioners of revenue and roads, for the year one thousand eight hundred and forty-two, and the road tax so collected shall be subject to the control of the board of road commissioners of Mobile county, any law or custom to the contrary notwithstanding.

Approved, 31st December, 1842.

[No. 181.]

AN ACT

To alter a certain Road therein named.

Appointment
of commis-
sioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Judge of the County Court, and Commissioners of Roads and Revenue, of Montgomery county, be, and they are hereby authorized and required to appoint five commissioners, to change and alter the road leading from the city of Montgomery to the old Augusta ferry, in said county, so as to avoid the Montgomery and West Point Rail Road, at Henry Lucas' lane: *Provided*, they deem it expedient and proper.

Alteration of
road.

Sec. 2. *And be it further enacted*, That should the judge and commissioners deem it inexpedient to alter said road, they are hereby invested with full powers to prescribe such rules and regulations for the passage of the engines and cars through said lane, as will insure the safety of persons traveling said road, on horseback, carriages, wagons, &c., having a due regard to the interest of said Rail Road Company, and the citizens generally.

Approved, 4th February, 1843.

[No. 182.]

AN ACT

Respecting Roads in the County of Fayette.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, all white male persons, in the county of Fayette, between the ages of eighteen and forty-five years, shall be subject to road duty, in said county; and for failing to perform such duty, when thereto required, shall be subject to the penalty now imposed upon defaulters for working on public roads: *Provided, however*, that Commissioners of Roads and Revenue, and ministers of the gospel, in said county, shall be exempt from any road duty.

Sec. 2. *And be it further enacted*, That all laws, and parts of laws, contravening the provisions of this act, be, and the same are hereby repealed.

Approved, February 1st, 1843.

[No. 183.]

AN ACT

Amendatory of an act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from the passage of this act, the provisions of an act, entitled an act to establish Jury trials in Justices' Courts in certain counties in the State, and to regulate the proceedings therein, approved December third, eighteen hundred and forty-one, be construed and made to apply to the county of Macon.

Approved, 27th January, 1843.

[No. 184.]

AN ACT

Fixing the time of holding Justices' Courts in the county of Shelby, and to establish Jury trials in said courts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the provisions of the acts, entitled an act, relative to Justices' Courts and for other purposes, in certain counties therein named, approved, February fifth, eighteen hundred and forty, and of the act, entitled an act, to establish Jury trials in Justices' Courts in certain counties in this State, and to regulate the proceedings therein, approved, December thirty one, eighteen hundred and forty-one, be and the same are hereby extended to the Justices of the Peace in the county of Shelby.

Approved, 1st February, 1843.

[No. 185.]

AN ACT

Concerning the Judge of the County Court of Lowndes county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, it shall be the duty of the Judge of the County Court, of Lowndes county, to reside within seven miles of Hayneville, in said county; and he is hereby required to attend at Hayneville, on Monday and Saturday of each week, for the purpose of transacting any business appertaining to his office: *Provided*, that this act shall not be so construed as to relieve him from attending on other days, as now required by law.

Sec. 2. *And be it further enacted*, That all laws coming in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved, 4th February, 1843.

[No. 186.]

AN ACT

To extend the provisions of certain acts therein named, to the county of Blount.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the provisions of an act, entitled an act, relative to Justices' Courts, and for other purposes, in certain counties therein named, approved, February, fifth, eighteen hundred and forty, and also the provisions of an act, entitled an act, to establish Jury trials in Justices' Courts in certain counties of this State, and to regulate the proceedings therein, approved, December thirty first, eighteen hundred and forty-one, be, and the same are hereby extended to the county of Blount, and that the same shall take effect, and be in full force, in said county of Blount, from and after the first day of April next.

Approved, 13th February, 1843.

[No. 187.]

AN ACT

To repeal in part, a certain act therein named, so far as the sixth section thereof relates to the county of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of the sixth section of an act "as to establish Jury trials in Justices' Courts, in certain counties in this State, and to regulate the proceedings therein, approved, thirty first of December, eighteen hundred and forty one," as relates to the county of Pickens, be, and the same is hereby repealed.

Approved, 13th February, 1843.

[No. 188.]

AN ACT

To establish a certain road in Shelby county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Hardy Horton, James Dunlap, and Allen Wallace, be and they are hereby appointed commissioners for the purpose of surveying and laying out a road of the third grade, leading from some point near the dwelling house of William Ghalston, in Shelby county, on the road leading from Montevallo to Columbiana, to Fort Williams on Coosa river. Commissioners.

Sec. 2. *And be it further enacted,* That it shall be the duty of said commissioners after surveying and marking said road, to report the same to the Judge of the county court of said county, who shall appoint an overseer to cut out said road in the manner provided for by law, which road when open shall be considered a public road and continued as such. Duty of commissioners.

Approved, 4th February, 1843.

[No. 189.]

AN ACT

Regulating the appointment of Commissioners in certain cases in the county of DeKalb.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the Commissioners' Court of Roads and Revenue, in the county of DeKalb, at the first session, after the first day of April next, to appoint three Commissioners, to settle with the Commissioners heretofore appointed by the Legislature, to lay off, and superintend the sale of the town lots at the county seat of said county. Duty of Commissioners.

Sec. 2. *And be it further enacted,* That said Commissioners, when appointed, shall proceed to make such settlement, and report the result thereof, to the next term of said court, after their appointment, and in making said settlement, they shall make such reasonable allowance to said Town Commissioners for their services, as may seem to them just. Duties.

Sec. 3. *And be it further enacted,* That said Town Commissioners, within ten days after said settlement, shall deliver over to the County Treasurer, all notes and monies for town lots, which may be in their possession, after paying all expenses and charges, and the vouchers thereof, also to deliver over to said Treasurer, and his receipt therefor, shall release said Town Commissioners from all liability for the same: *Provided, said Treasurer shall have given an additional bond and security in double the amount placed in his hands, made payable to the Judge of the County Court and his successors in office, condi-* After settlement shall deliver notes and moneys to County Treasurer.

Proviso.

tioned for the faithful performance of his duty in keeping and paying over, whatever monies may come to his hands, for the sale of said town lots, and said Treasurer shall keep said town fund separate and apart from the county funds, and shall be entered on his book, to the credit of said Town Commissioners, to whose order the same shall be paid out, in the discharge of the debts heretofore contracted for the land upon which said town is situated, and the remainder, after discharging in full, said debts and expenses, shall be by said Treasurer, kept as other county funds, subject to the orders of the Commissioners' Court of said county.

Vacancies.

Sec. 4. *And be it further enacted*, That should any of said Town Commissioners hereafter appointed by the Legislature, wish to resign, he or they may do so, to the Commissioners' Court, and the vacancy may be filled by said Court.

Approved, February 13th, 1843.

[No. 190.]

AN ACT

In relation to the Public Roads in the County of Wilcox.

Restrictions
on overseers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That hereafter, it shall not be lawful for Overseers of the public roads in the County of Wilcox, to contract for timber to be used upon any public road in said county, unless the Court of Roads and Revenue, shall by order, expressly authorize the overseer to make such contract; and upon any contract so authorized, there shall not be paid more than one dollar for any one tree.

Duty of over-
seers.

Sec. 2. *And be it further enacted*, That it shall be the duty of Overseers of roads in said county, when the roads may require causeways, and when timber cannot be procured conveniently, and at cheap rates, to use rock in place of timber, where the same can be conveniently procured, and the overseers aforesaid, are hereby authorized to contract for the hauling of rock, and may procure the same to be done in exchange for labor, required to be performed upon his road: *Provided*, that nothing shall be paid for any rock, hereby required to be used.

Lanes.

Sec. 3. *And be it further enacted*, That the said Court of Roads and Revenue, be, and they are hereby authorized to prescribe and fix the width of lanes through which public roads may pass in said county: *Provided*, that no lane shall be required to be made more than forty feet wide.

Repeal.

Sec. 4. *And be it further enacted*, That an act entitled an act in relation to causeways in the County of Wilcox, approved, December twenty-third, one thousand eight hundred and forty-one, be, and the same is hereby repealed.

Approved, 13th February, 1843.

[No. 191.]

AN ACT

Requiring the Tax Collector for the County of Benton, to receive County Claims in payment of County Taxes, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be the duty of the collector of taxes for the county of Benton, and he is hereby required to receive in payment of all taxes for county purposes, all claims against the county, which shall have been, and may hereafter be numbered or registered in the office of the County Treasurer of said county. Duty of collector.

Sec. 2. *And be it further enacted,* That hereafter, the Grand and Petit Jurors of the County of Benton, shall be entitled to receive the compensation of one dollar for each days' service, and five cents per mile, for travelling to and from the Court house, to be paid in the same manner as now prescribed by law. Pay of jurors.

Sec. 3. *And be it further enacted,* That hereafter, all witnesses, both in civil and criminal cases, in said county, shall be entitled to receive as compensation, the sum of one dollar for each days' service and attendance upon the court, and five cents per mile for travelling to and from the court, together with the necessary ferriages, to be paid in the same manner as now provided by law. Witnesses.

Sec. 4. *And be it further enacted,* That all laws and parts of laws coming in conflict with the provisions of this act, be, and the same are hereby repealed. Repeal.

Approved, 13th February, 1843.

[No. 192.]

AN ACT

To compensate the Judge of the County Court of Pickens County, in certain cases, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the Judge of the County Court of Pickens county, be, and he is hereby allowed the same per diem pay, as is now allowed by law to the Commissioners of Roads and Revenue of said county, for like services, and payable in the same manner. Per diem.

Sec. 2. *And be it further enacted,* That the Judge of the County Court aforesaid, be, and he is hereby authorized and required to act with the Commissioners of Roads and Revenue, in the performance of the duty required of them in the examination of the different offices of said county, now required by law to be examined. To act with commissioners.

Approved, 7th February, 1843.

[No. 193.]

AN ACT

To make uniform the time of holding the Commissioners' Court in the County of Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter the times for holding the Commissioners' Court of Roads and Revenue for the County of Pickens, shall be the first Mondays in January, April, July and October.

Approved, 14th February, 1843.

[No. 194.]

AN ACT

Extending to the County of Jackson, the provisions of certain Acts therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the provisions of an act, entitled an act, relative to Justices' Courts, and for other purposes, in certain counties therein named, approved, February fifth, one thousand eight hundred and forty, and also the provisions of an act, entitled, an act to establish Jury trials in Justices' Courts, in certain counties in this State, and to regulate the proceedings therein, approved, December thirty-first, one thousand eight hundred and forty-one, be, and the same are hereby extended to the County of Jackson, and said acts are to be in full force and effect in said County of Jackson, from and after the first day of March next.

Approved, 8th February, 1843.

(No. 195.)

AN ACT

To repeal in part, and amend an act to provide for the sale of Lands and Slaves in the town of Decatur, in certain cases, approved January 2d, 1840.

Duty of sheriff or coroner.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be the duty of the sheriff or coroner of the county of Morgan, from and after the second Monday in March next, to expose to sale all lands which may be levied on by execution, lying and being in said county, west of Flint river, and all slaves, which may be taken in execution, belonging to defendants residing in said county, west of said Flint river, at the market-house, in the town of Decatur, in said county of Morgan, on the first Saturday in every month, after having advertised the time and place of sale according to law.

Repeal.

Sec. 2. *And be it further enacted,* That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Approved, 6th February, 1843.

[No. 196.]

AN ACT

To repeal in part, an act entitled an act, to attach a part of Benton County to Talladega County, and for other purposes, approved December 23d, 1836.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That so much of the above recited act as relates to the county of Cherokee, be and the same is hereby repealed. Repeal.

Sec. 2. *And be it further enacted,* That all officers, both civil and military, residing within the limits of the territory contemplated by this act, to be re-attached to the county of Cherokee, be and they are hereby authorized to continue to discharge the duties of their several offices for and during the time for which they were severally elected, and that all suits, heretofore commenced in the circuit and county courts of Benton county against persons residing in the said territory, shall be transferred to the circuit court of the county of Cherokee, in the same manner, that cases are transferred on a change of venue, any law to the contrary notwithstanding: *Provided,* Rights of officers, civil and military. the citizens residing in said territory shall not be compelled to pay any tax to build a court house and jail, in the said county of Cherokee. Provide.

Approved, 27th January, 1843.

[No. 197.]

AN ACT

To attach the ten acres of Land, on which Benjamin F. Barom resides, lying in Russell County, to the County of Macon.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the ten acres of land, on which Benjamin F. Barom resides, in the county of Russell, being a part of section number four, township number fifteen, and range number twenty-six, be, and the same is hereby attached to, and made a part of the county of Macon.

Approved, February 11th, 1843.

[No. 198.]

AN ACT

For the relief of Tales Jurors in the County of Covington.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, tales jurors, in the county of Covington, shall receive the same per diem pay for their services in the Circuit and County Courts, that regular drawn jurors are by law entitled, any law to the contrary notwithstanding.

Approved, February 9th, 1843.

[No. 199.]

AN ACT

To define and establish the line between the counties of DeKalb Marshall, and Jackson.

Boundaries:

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the line between the counties of DeKalb, Marshall and Jackson, shall begin at the old corner of Blount, St. Clair and Jackson counties, on Line creek, thence a direct course to Thomas Cobbs, on Short creek, where the Gunter's landing road crosses the same, so as to leave the said Cobb, in Marshall county, thence a direct course to the mouth of Black Oak creek, thence to James Sublets, so as to leave said Sublet, in Jackson county, thence to Bynum's mill, on Sauta creek, thence to Wm. Carters, so as to leave said Bynum and Carter in Jackson county, thence up Sauta creek, to where it crosses Gay's road, thence to the dividing ridge between McCormack's and John Blancets, thence to the Caperton road, so as to cross the same on the centre of the Racoon mountain, thence to Haney's mill, and from thence to the centre of said mountain, on the Georgia line, between Dear Head Cove and the river, by Jesse and Silas Williams', so as to leave them in Jackson county, which line above designated, is hereby established as the dividing line between the said counties of DeKalb, Marshall and Jackson.

Notice of survey to be given.

Sec. 2. *And be it further enacted,* That hereafter, should it, by either of said counties, be considered necessary to run and mark said dividing line as designated in the first section of this act, it shall be the duty of the Commissioners' Court of such county to make an order for the same, and cause a notice of the time and place of commencing said survey, to be served upon the county Surveyor, of the county or counties interested in the same, and that each county pay its own surveyor, for which the Commissioners' Court of Revenue and Roads in each of said counties, are hereby authorized to make appropriations: *Provided,* said dividing line shall not be established as above designated if it reduces either of said counties below the constitutional number of square miles.

Approved, 7th February, 1843.

[No. 200.]

AN ACT

To attach a part of Fayette to Walker County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, townships fourteen and fifteen, in range nine, in Fayette county, be, and the same are hereby attached to the county of Walker.

Approved, January 9th, 1843.

[No. 201.]

AN ACT

To regulate the purchase of Timber for the use of Roads in Dallas county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That overseers of roads in the county of Dallas, shall in no case purchase timber for the use of roads, useless authorized so to do by the court of roads and revenue of said county, and when said court may order the purchase of timber to be used on any highway, it shall be the duty of the overseer to let out to the lowest bidder, the furnishing of timber: *Provided*, that in no case shall more than one dollar per tree be allowed: *And provided further*, that this act shall not be so construed as to prevent overseers of roads from contracting for timber for the purpose of building and repairing bridges.

Restrictions
on overseers
of roads.

Sec. 2. *And be it further enacted*, That the apportioners appointed on the several roads of said county, shall report to said court within twenty days after they shall have been notified by said court in writing, to be served by the sheriff, whether the road on which they may be appointed, can with the hands liable to work on the same, be kept in good condition during the year, with ten days work, without the use of timber, and if not, what quantity of timber will probably be necessary for the purpose.

Duty of ap-
portioners.

Sec. 3. *And be it further enacted*, That if any overseer or apportioner shall fail or refuse to perform any duty required by the provisions of this act, he shall be liable to indictment, and on conviction may be fined at the discretion of the jury, not exceeding fifty dollars.

Penalty for
neglect of du-
ty.

Sec. 4. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, 4th January, 1843.

[No. 202]

AN ACT

Relative to Justices' Courts in the County of Marshall.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the provisions of an act relative to Justices' Courts, and for other purposes in certain counties therein named, passed fifth February, one thousand eight hundred and forty, shall apply to the County of Marshall, except, as to the times of holding said courts, which shall be either on the first, second, third or fourth Saturdays in March next, as the Justices may agree among themselves, and monthly thereafter; on failure to agree on the time, the said courts shall be held on the first Saturday in March next, and monthly thereafter.

Approved, 2d February, 1843.

[No. 203.]

AN ACT

To alter and amend the Road Law, as to the County of Marion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, all white male persons, between the ages of eighteen and forty-five years, and all male slaves between the ages of sixteen and fifty years, who are able to perform common labor, shall be compelled to perform road duty, in the County of Marion, any law to the contrary notwithstanding.

Approved, 2d February, 1843.

[No. 204.]

AN ACT

Concerning the Office of Clerk of Russell County and Circuit Courts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the same person shall (if heretofore or hereafter elected by the people,) be competent to hold the offices of Clerk of the County and Circuit Courts of Russell county.

Approved, February 13th, 1843.

[No. 205.]

AN ACT

To repeal an Act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That an act entitled an act to authorize the Clerk of the Circuit Court of Randolph county, to record, in his office, all deeds of conveyance, acknowledged or proven before him, approved thirty-first December, one thousand eight hundred and forty-one, be, and the same is hereby repealed.

Approved, February 9th, 1843.

[No. 206.]

AN ACT

To extend the provisions of an Act, approved, December 31st, 1841, entitled an Act to establish Jury Trials in Justices' Courts in certain counties in this State, and to regulate the proceedings therein, to the Counties of Butler and Pike.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the provisions of an act approved, December thirty-first, one thousand eight hundred and forty-one, entitled an act to establish Jury Trials in Justices' Courts, in certain counties in this State, and to regulate the proceedings therein, be, and the same are hereby extended to the counties of Pike and Butler.

Approved, 30th January, 1843.

[No. 207.]

AN ACT

For the relief of Jane Doss.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Jane Doss, wife of M. W. Doss, be, and she is hereby endowed with all the rights and privileges, and all the liabilities of a *feme sole*, and she is hereby enabled to take, receive and hold by purchase, gift or inheritance, any property, either real or personal, free from the hindrance, molestation, or authority of her husband M. W. Doss, and the same to dispose of by gift, will or sale, and that all property acquired by her hereafter, shall in no wise, either in law or equity, be subject to the debts of her said husband, M. W. Doss.

Approved, 8th February, 1843.

[No. 208.]

AN ACT

To authorize Richard Green of the County of Marengo, to change the guardianship of his ward, Seaborn J. Butler.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Richard Green of the county of Marengo, be and he is hereby authorized to remove the property and guardianship of his ward, Seaborn J. Butler from the county of Butler to the county of Marengo: *Provided*, he, the said Richard Green shall first file in the office of the clerk of the county court of the county of Marengo, a certified transcript from the clerk of the county court of Butler, of all his proceedings of record as such guardian in the county court of Butler county, and shall give bond and security, to be approved of by the Judge of the county court of the county of Marengo, in such sum as the Judge of the said court may require, not less than the amount of his bond in the county of Butler.

Authority granted.

Prov so.

Sec. 2. *And be it further enacted*, That after the said guardian shall have complied with the requirements provided for in the foregoing section, he shall be entitled to letters of guardianship in the said county of Marengo, and shall thereafter account for his guardianship to the Judge of the county court of said county, and shall be responsible in the same manner as though letters of guardianship had originally been granted in said county of Marengo.

Letters of guardianship.

Sec. 3. *And be it further enacted*, That the said guardian shall make final settlement of his said guardianship up to the first day of January, one thousand eight hundred and forty-three, with the Orphans' court of Butler county, and a certified copy of the final decree rendered upon such settlement shall be recorded on the minutes of the Orphans' court of the

Guardian to make settlement up to 1st. January. 1843.

county of Marengo, and shall be as valid for or against the said guardian, as if the same had been rendered, in said county of Marengo, and upon the said guardian presenting to the Judge of the county court of Butler county, the certificate of the clerk of the county court of Marengo county under his official seal, that he, the said guardian has complied with the provisions of this act. then he shall be entitled to a final discharge by the said Judge of Butler county.

Approved, 9th February, 1843.

[No. 209.]

AN ACT

To amend an act entitled an act to ascertain and fix a suitable Site for the permanent location of the Court House in Covington County, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That it shall be the duty of the court house commissioners of Covington county, now in office, or in case a vacancy should occur in said board of commissioners, others to be elected, and qualified in the manner pointed out by the act to which this is an amendment, on or before the first Monday in March next, to make a suitable selection or selections at or within two miles of the centre of said county, for the permanent location of the court house thereon, which selection shall be made upon no lands, but that to which a fee simple title can at once be obtained, not exceeding one hundred and sixty acres, but may be as much under that quantity as the said commissioners may think necessary for county purposes, which land so selected shall belong exclusively to the county of Covington, together with all the profits arising from the same, to be applied to the building a court house and jail thereon, which lands said commissioners are hereby authorized to receive by gift, purchase or otherwise.

Sec. 2. *And be it further enacted,* That in making such selections aforesaid, if all of said commissioners shall agree in one particular site, it shall be the permanent county site for said county, but if all shall not agree in one, but should two or more selections be made, it shall then be the duty of said commissioners forthwith to notify the sheriff of said county, in writing, of the fact, giving a particular description of each site so selected, and said sheriff shall, upon the receipt of said notice, advertise by giving thirty days notice, and cause to be holden an election on the first Monday in April thereafter, in the manner prescribed by the act, to which this is an amendment, and the site then receiving the greatest number of votes shall be the permanent county site for said county, and said commissioners shall proceed to the erection of a court house thereon accordingly, in

Duty of court
house com-
missioners.

An election to
be held should
commission-
ers disagree
in locating
county site.

whatever manner they or a majority of them shall deem most expedient for an early completion of the same, or in accordance with any contract heretofore made upon that subject by them, any law to the contrary notwithstanding.

Approved, 14th February, 1843.

[No. 210]

AN ACT

To authorize Charles McLemore and associates, to build a bridge across the Tallapoosa River.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Charles McLemore and his associates, are hereby authorized Authority to build a bridge across the Tallapoosa river, in the county of Tallapoosa, on either section, twenty-nine, thirty, or thirty-one, in township twenty-one, and range twenty: *Provided*, that said Charles McLemore and his associates shall be the owner or owners of said land on which the bridge is built.

Sec. 2. *And be it further enacted,* That said Charles McLemore and his associates shall be entitled to such ferriage as the commissioners court of roads and revenue now allows at the ferry of Charles McLemore on the Tallapoosa river. Rates

Sec. 3. *And be it further enacted.* That said Charles McLemore and his associates shall be liable for all damages that Liabilities. may be done to any passenger or passengers, or their property, in crossing the said bridge, if occasioned by neglect on the part of the proprietors of said bridge, or any of their agents or hands, and that said bridge shall be commenced in twelve months and be completed during the next three years.

Sec. 4. *And be it further enacted,* That said Charles McLemore and his associates shall have the power of a body corporate to contract debts under their corporate capacity: *Provided*, that all private property shall be liable for all debts that said corporation may contract. Corporate powers.

Sec. 5. *And be it further enacted,* That said Charles McLemore and his associates shall have the right to so alter the road, now running from Lafayette to Wetumpka and crossing the Tallapoosa river on the said lands: *Provided*, they do so at their own expense, and open a good marketable road from the old road, now crossing the river on the east side of the river, to intersect the road on the west side of the river. Certain rights

Sec. 6. *And be it further enacted,* That said Charles McLemore and his associates shall, as a body corporate, have the full management and control of the corporate property of said association, that they shall annually hold a meeting and pay to each stockholder the dividend due on his stock: *Provided*, there be any, and that a majority of the stockholders shall at Corporate powers.

Proviso. all times have the right of disposing of said bridge: *Provided*, they pay to each stockholder the amount due him from said sale at and before conveying the titles of said property: *And be it further provided*, that nothing contained in this act shall be so construed as to confer on said corporation or association banking privileges.

Prohibition. Sec. 7. *And be it further enacted*, That if the said bridge shall be completed within the time herein prescribed, and the same shall be approved of by the commissioners court of road and revenue for Tallapoosa county, then and in that case, it shall not be lawful for any other person or persons to erect any bridge, or establish any ferry within three miles of said bridge.

Reservation. Sec. 8. *And be it further enacted*, That nothing in this act contained shall be so construed as to prevent any future Legislature of the State of Alabama, from altering, modifying, or repealing this act of incorporation, after ten years from the passage thereof: *Provided*, that the issuance of shin plasters or change tickets shall be held and deemed a violation of the sixth section in relation to banking privileges.

Proviso.

Approved, 6th February, 1843.

[No. 211.]

AN ACT

To authorize Robert P. Harrison and his associates, to establish a Ferry across the Black Warrior river, in the county of Blount.

Ferry established.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Robert P. Harrison and his associates, be, and they are hereby authorized to erect a ferry on the Black Warrior river, in the county of Blount.

Duties.

Sec. 2. *And be it further enacted*, That the said Robert P. Harrison and his associates, be, and they are hereby required to keep a good and sufficient ferry boat, at or near where the road called Harrison's Road crosses the said Warrior river, for the purpose of transporting any person wishing to cross, or transport across said river at said ferry.

May receive toll.

Sec. 3. *And be it further enacted*, That said Harrison and his associates, shall, before they are authorized to receive the rates of toll hereinafter allowed, give bond, with good and sufficient security to the Judge of the County Court of Blount county, in the sum of one thousand dollars, to make good all damages that may be incurred to property in consequence of any neglect on their part.

Sec. 4. *And be it further enacted*, That the said Robert P. Harrison and his associates, shall be entitled to receive the following rates of toll: for every four wheel pleasure carriage,

fifty cents; for every two wheel pleasure carriage, twenty-five cents; for every road wagon, sixty-two and a half cents; for every cart, twenty-five cents; for every man and horse, twelve and a half cents; for every foot person, six and one-fourth cents; for every cow beast, three cents per head; for each head of sheep, two cents; for each head of hogs, one cent. Rates.

Sec. 5. *And be it further enacted*, That this act shall continue in force until the year eighteen hundred and fifty-two.

Sec. 6. *And be it further enacted*, That the said Robert P. Harrison and his associates, shall have said ferry in readiness by the first day of May next, for transportation, or forfeit their right to the same.

Approved, 13th February, 1843.

[No. 212.]

AN ACT

To authorize James J. McQueen to erect a Toll Bridge across the Pentlala Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That James J. McQueen be, and he is hereby authorized to erect a toll bridge over the Pentlala creek, at a place known as Scott; and that he be entitled to receive from each and every person crossing the same, the following rate of toll, to wit: For every four-wheeled carriage, fifty cents; for every two-wheeled carriage, twenty-five cents; for man and horse, twelve and a half cents; for every lead horse or mule, three cents; for every head of cattle, hogs, sheep and goats, one cent. May erect bridge.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said James J. McQueen, his heirs and assigns, when the said bridge shall have been completed, to keep the same in perfect order and repair; and the said James J. McQueen, his heirs and assigns, are hereby rendered liable to make good all damages that any person may sustain from his or their failure so to keep in repair the said bridge: *Provided*, that this act shall not be so construed as to authorize the said James J. McQueen to obstruct the passage of any boat or water craft, which can now or may hereafter navigate the creek: *And* Duties. *provided further*, that the right hereby vested shall expire after the lapse of ten years, unless renewed by an act of the Legislature, or in some other legal mode. Proviso.

Sec. 3. *And be it further enacted*, That it shall be in the power of the Judge of the County Court of the county of Power of Judge. Lowndes, and the Commissioners of Roads and Revenue, at any time before the expiration of the said ten years, to appoint three Commissioners, with authority to estimate the value of said bridge, regulated by the probable cost of building the same, and on payment of said valuation to the said James J. McQueen, the property in the bridge shall vest in the county

Proviso.

of Lowndes, and ever after be free of toll : *Provided*, that nothing in the foregoing act contained, shall be construed into banking privileges, and that the issuing of shiplasters, shall be construed into the exercise of said privileges.

Approved, 6th February, 1843.

[No. 213.]

AN ACT

To authorize William H. Garrett, to establish a Ferry on Coosa river, in Cherokee county.

Ferry estab-
lished.

Rates.

Proviso.

Shall give
bond.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William H. Garrett, of Cherokee county, be, and he is hereby authorized to establish, and keep a public ferry over Coosa river, at Childersville, in said county, and he shall be allowed to demand and receive for crossing said ferry, the following rates, viz: for every wagon and six horses, or mule team, seventy-five cents; for each wagon or carriage and two horses, fifty cents; for carriages and other vehicles, drawn by one horse, twenty-five cents; for man and horse, twelve and a half cents; for every loose horse, six and a quarter cents; for every head of cattle, three cents; for every head of hogs, sheep, and goats, two cents; for each footman, six and a quarter cents: *Provided*, that no actual citizen of Cherokee county shall be charged more for crossing said ferry than is now allowed by the Commissioners' Court of Roads and Revenue to other ferrymen on said river.

Sec. 2. *And be it further enacted*, That the said William H. Garrett shall give bond with sufficient security to the Judge of the County Court of Cherokee county, with the same conditions as are now required of other keepers of ferries, which bond shall only be renewed every four years, unless otherwise ordered by the Judge aforesaid, for the want of sufficient security, any law or usage, to the contrary notwithstanding.

Approved, 15th February, 1843.

[No. 214.]

AN ACT

To authorize Franklin Fortner to erect a Toll Bridge across the Big Warrior River.

Section 1. *Be it enacted by Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Franklin Fortner, be, and he is hereby authorized to build a Toll Bridge across the Big Warrior river, at or near Fortner's old ford.

Sec 2. *And be it further enacted*, That the said Franklin Fortner, be, and he is hereby authorized to take and receive the fol-

lowing rates of tolls viz: for every four wheel pleasure carriage, fifty cents; for every two wheel pleasure carriage, twenty-five cents; for every cart, twenty-five cents; for every wagon and team consisting of four or six horses or oxen, seventy-five cents; for a two or three horse wagon, fifty cents; for a man and horse, twelve-and-a-half cents; for a foot passenger, six-and-a-fourth cents; for every loose horse or mule, four cents; for every head of cattle, two cents; for every head of hogs and sheep, one cent. Rates.

Sec. 3. *And be it further enacted*, That the said Franklin Fortner shall forfeit and pay such fine or sum as may be recovered before any Justice of the Peace, or Judge of the County or Circuit Court, having cognizance of the same, for all damages that may be done to any passenger or passengers, or their property, in crossing the said bridge, if occasioned by the neglect on the part of the proprietor of said bridge. Liabilities.

Sec. 4. *And be it further enacted*, That the said Franklin Fortner, shall commence the construction of said bridge, within three months after the approval of this act, and complete the same within one year, and shall have and enjoy the same, for a period of fifteen years. Commence.

Approved, 13th February, 1843.

[No. 215.]

AN ACT

Declaring the Chattooga river a public highway, and the better securing the health of the people of Cherokee county, by preventing the cutting of timber into water courses.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Chattooga river, from its junction with the Coosa river, to the town of Gaylesville, is hereby declared a public highway. Declared a highway.

Sec. 2. *And be it further enacted*, That it shall not be lawful for any person or persons to cut, fell, throw, roll, or otherwise to place in said river, or any other river, creek or stream of water, within the limits of Cherokee county, any timber, trees, brush, logs, or any other vegetable matter, calculated to dam up or obstruct the current of the said rivers, creeks and streams, whereby the same shall be suffered to remain in said rivers, creeks or streams, for the space of ten days; and any person wilfully violating the provisions of this section of this act, shall, for each violation thereof, forfeit and pay the sum of five dollars, to be recovered in an action of debt, before any justice of the peace in said county: *Provided*, such fines, when collected, shall be paid, one half to the informer, and the other half into the county treasury, for county purposes. Penalty for obstructing navigation.

Approved, February 13th, 1843.

[No. 216.]

AN ACT

To authorize Henry Potter to erect a gate on his land, over which runs the Saunders' Ferry road.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Henry Potter, of Tuscaloosa county, be authorized to erect a gate across the road leading to Saunders' ferry, in Tuscaloosa county, at any point where said road runs over said Henry Potter's land: *Provided*, that said gate shall not be so constructed as to prevent travelling, and that no toll be charged for passing through the same.

Approved, 8th February, 1843.

(No. 217.)

AN ACT

For the improvement of the River Noxubee, in the County of Sumter.

Persons to
work on river
Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all persons subject to work on the public highways, in the County of Sumter, who reside in one mile of the river Noxubee, and above the mouth of Bodka Creek, be, and they are hereby authorized to work on said river, in removing rafts and other obstructions to the navigation of the same, and that for each and every day so spent, they be released for a like time from working on public roads in said county of Sumter.

Overseer.
Sec. 2. *And be it further enacted*, That it shall be the duty of the Commissioners' Court to appoint an overseer to superintend such work, as on other public highways, and they be subject to all rules and regulations governing road working in this State.

Approved, 13th February, 1843.

(No. 218.)

AN ACT

To authorize John Haughton to erect a Mill on the west bank of the Coosa river.

May rent mills
Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That John Haughton of the County of Coosa, be, and he is hereby authorized and permitted to erect a saw and grist mill, with such other machinery as he, his heirs, or assigns may think proper to affix to the same, on the west bank of the Coosa river, in the County of Autauga, at such convenient point above the Wetumpka bridge, as he may select.

Restriction.
Sec. 2. *And be it further enacted*, That the full and free navigation of said river, shall in no way be impeded or obstructed by said mill or any of the machinery appertaining to the same, but that the main channel of said river shall remain open

and free for all water crafts that may pass up and down said river: *Provided always*, that the construction of said mill shall not in anywise interfere with rights already vested.

Sec. 3. *And be it further enacted*, That this act shall not be construed as to prevent the Legislature from granting similar privileges to other individuals: *Provided*, that the same do not interfere with the location, that may be selected by the said John Haughton, or his assigns.

Approved, 8th February, 1843.

(No. 219.)

AN ACT

To authorize Patrick May and John A. Fortune, to erect gates on a certain public road therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That Patrick May and John A. Fortune, of Greene county, be, and they are hereby respectively, authorized to erect gates on that part of a public road in Greene county, commonly called the Gum Spring road, which runs through the lands of the said Patrick May and John A. Fortune, respectively.

Approved, 12th January, 1843.

[No. 220.]

AN ACT

To establish a Ferry across Old Town Creek.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That William H. Tarrance, of the county of Autauga, be, and he is hereby authorized to establish a ferry on Old Town creek, at the place where the road crosses the said creek, leading from Benton, in the county of Lowndes, to Cahawba: *Provided*, Ferry established. *however*, that the said William H. Tarrance shall first enter into bond, with good and sufficient securities, in the sum of one thousand dollars, payable to the Judge of the County Court of Lowndes county, or his successors in office, which bond shall be approved by the said Judge, and filed in the office of the Clerk of the County Court of said county, conditioned that the said Tarrance will keep in good repair the banks and flat, for the safe passage of travelers. Proviso.

Sec. 2. *And be it further enacted*, That the said William H. Tarrance shall be entitled to demand and receive the following rates of ferriage, for carrying across said ferry, and no more, to wit: For each and every four-wheel carriage, with four horses, fifty cents; each four-wheel carriage, with less than four horses, thirty-seven and a half cents; each two-wheel carriage, twenty-five cents; for man and horse, twelve and a half cents; for each led, loose horse, or foot passenger, six and Rates.

a quarter cents; for each head of cattle, three cents; each head of hogs, sheep or goats, one cent.

Sec. 3. *And be it further enacted*, That the rights invested in said Tarrance, in the first section of this act, shall be and continue for the term of ten years, and no more.

Approved, 13th February, 1843.

[No. 221.]

AN ACT

To authorize Aaron A. Burleson to establish a Ferry in the County of Morgan.

Ferry estab-
lished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, it shall and may be lawful for Aaron A. Burleson, to establish a Ferry across Flint river, in the county of Morgan, at a place known as the Fish-dam Ford, at or near a bridge belonging to said Burleson, across said river.

Rates.

Sec. 2. *And be it further enacted*, That said Aaron A. Burleson shall be authorized to charge the same rates for ferriage, that he has heretofore been authorized by law to charge as toll on said bridge.

Liabilities.

Sec. 3. *And be it further enacted*, That said Burleson shall be subject to all the laws now existing for the government of owners of ferries in this State: *Provided*, that this act shall not continue in force for a longer time than twelve months.

Approved, 9th February, 1843.

[No. 222.]

AN ACT

To change the name of the county seat of Cherokee County.

Changed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That from and after the passage of this act, the name of the town of Jefferson, the county seat of Cherokee county, in this State, shall be changed to, and known by, the name of Cedar Bluff.

Corporate
powers con-
tinued.

Sec. 2. *And be it further enacted*, That the said town of Cedar Bluff, shall remain a body corporate, and shall have all, and enjoy all the privileges, powers, rights and immunities heretofore granted and conferred upon the said town of Jefferson, or the citizens thereof, by statute, or otherwise, as fully as the said town of Jefferson, or its citizens, has heretofore had, used and enjoyed, the same, by the name of Jefferson, and as fully as if this act had not been passed.

Approved, 23d December, 1842.

[No. 223.]

AN ACT

To authorize the Clerks of the Circuit and County Courts of the County of Wilcox, and the Register in Chancery, to make out and keep reversed indexes of all causes decided in their respective Courts.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the clerk of the circuit court, and the clerk of the county court, and the Register in chancery of the county of Wilcox, shall make out and keep reversed indexes of all causes heretofore, or which may hereafter be decided in their respective courts: and that the commissioners court of said county, be required to allow a reasonable compensation to said clerks and register for making out said reversed indexes: *Provided however,* that no allowance shall be made for reversed indexes to be made of all causes hereafter to be decided.

Approved, 12th January, 1843.

[No. 224.]

AN ACT

To change the name of Crockettville in Russell County, to that of Crawford.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the name of Crockettville in Russell county, shall be changed to that of Crawford, and that all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, 12th January, 1843.

[No. 225.]

AN ACT

For the support of Paupers in the County of Walker.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the county court and commissioners of roads and revenue, for the county of Walker, be and they are hereby authorized, whenever they or a majority of them, shall deem it necessary to purchase and receive title to any quantity of land not exceeding eighty acres, which title shall be made to the Judge of the county county of Walker county, and his successors in office, and shall vest in, and be the property of said county of Walker. Court may purchase land

Sec. 2. *And be it further enacted,* That said Judge and commissioners are hereby authorized to contract for the building Contract for building. of all necessary houses for the purposes therein mentioned, and every thing else that is necessary to be done, the expenses of which shall be paid out of the county treasury of Walker county.

Powers of
court.

Sec. 3. *And be it further enacted*, That whenever it shall appear to said court, that any person is a subject of public charity he, she, or they, so soon as there be a poor house in said county, may be ordered by said court to be conveyed to the said poor house, to be taken care of and supported; and said court is authorized to employ some suitable person to superintend and take care of all the poor of said county of Walker.

Quarterly vi-
sits.

Sec. 4. *And be it further enacted*, That it shall be the duty of said Judge and commissioners, or a majority of them, to meet at said poor house at least once in every three months, for the purpose of examining into the condition of the premises, and treatment of the paupers; and the said court shall have power to dismiss any person from the charge of said poor house, whenever, in their opinion, the interest of the poor may require it, and generally, to make such rules and regulations, as to them may seem advisable, having due regard to economy and the comfort of the poor.

Overseers of
poor.

Sec. 5. *And be it further enacted*, That at the first court of said commissioners of roads and revenue, after said poor house shall be built, said court shall appoint one discreet person in each captain's beat, to act as an overseer of the poor, whose duty it shall be to report to said court, what person or persons are within his beat, properly the subject of charity and public support, and said overseers shall continue in office for the term of one year.

Superinten-
cant.

Sec. 6. *And be it further enacted*, That before any superintendant shall enter upon the duties of his office, he shall enter into bond with two or more good securities in the sum of one thousand dollars, payable to the Judge of the county court of Walker county, and his successors in office, conditioned for the faithful discharge of the duties of his office.

Sec. 7. *And be it further enacted*, That all laws and parts of laws contravening the provisions of this act, be and the same are hereby repealed.

Approved, 1st February, 1843.

[No. 226.]

AN ACT

To add a part of Monroe to Clarke County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all that part of Monroe county, lying in townships nine and ten, in range five, and section nineteen, and fractional section eighteen, in township ten, in range six, be added to, and form a part of the County of Clarke.

Sec. 2. *And be it further enacted*, That all laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 13th February, 1843.

[No. 227.)

AN ACT

To attach a part of the County of Pickens to the County of Greene.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, the following described territory, lying and being in the County of Pickens, and bounded as follows, to wit: to commence at the south east corner of the said county of Pickens, run thence north on the line dividing said county and the county of Tuscaloosa, to the south east corner of section thirteen, in township twenty-four, of range two west, thence west on the section line to the south east corner of section sixteen in said township, thence south on section line, to a line dividing the lands of Gilbert Reynolds and A. Snoddy, dec'd. thence west on said dividing line until it strikes the dividing line between the lands of the said Gilbert Reynolds and Samuel Chambers; thence south on the last mentioned line to the original line between the counties of Greene and Pickens, be, and the same is hereby attached to the County of Greene, any law to the contrary, be, and the same is hereby repealed. Greene.
Pickens.

Approved, 14th February, 1843.

[No. 228.]

AN ACT

To alter the name of the Town of Irwinton, in Barbour County, in this State, to that of Eufaula.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the town of Irwinton, in Barbour county, in this State, shall be known and designated by the name of Eufaula, for and instead of the name of Irwinton, by which said town is now, and has heretofore been known. Changed.

Sec. 2. *And be it further enacted,* That said town, by the name of Eufaula, shall remain a body corporate, and shall have, use and enjoy all the privileges, powers, rights and immunities, heretofore granted and conferred upon the said town, or the citizens thereof, by statute or otherwise, as fully as the said town (or the citizens thereof,) has heretofore had, used and enjoyed the same by the name of Irwinton, and as fully as if this act had not been passed. Corporate powers continued.

Sec. 3. *And be it further enacted,* That the Intendant and Council of said town, shall hereafter be known by the name of the Intendant and Council of the town of Eufaula, and by that name may sue and be sued, plead and be impleaded, and do and perform all other acts which heretofore appertained to the corporate authorities of said town of Irwinton. Future name and style.

Approved, 2d January, 1843.

[No. 229.]

AN ACT

More effectually to secure costs to Constables, in the County of Marion.

Costs

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, it shall be lawful for the different Constables of Marion county, to demand and receive the sum of fifty cents, from any person who may present an execution to them for collection, where there has been an execution returned on the same judgment, no property found, by the proper officer.

Levying fee
paid to plain-
tiff

Sec. 2. *And be it further enacted,* That when the constable collects the debt or any part thereof, he shall pay the levying fee to the plaintiff or his agent, as the case may be, any law to the contrary notwithstanding.

Approved, 8th February, 1843.

[No. 230.]

AN ACT

Relative to the change of Venue, in certain Counties therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in all cases of a change of venue of any cause civil or criminal from the County of Mobile, to the County of Baldwin, the expenses incident to the trial of any cause so removed, including that of removing and guarding prisoners, incurred by the County of Baldwin, shall be paid to the said county of Baldwin, by the Treasurer of the County of Mobile, on the certificates of the sheriff and of the clerk of the Circuit Court of said County of Baldwin, setting forth the amount of such expenses, and the same provisions shall apply in cases of a change of venue of any cause from Baldwin to Mobile county.

Approved, January 27th, 1843.

[No. 231.]

AN ACT

For the relief of B. M. Bradford and Jack Shackelford.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of eight hundred and sixty-four dollars and seventy-four and one half cents be, and the same is hereby appropriated, out of the Tennessee canal fund, to the said B. M. Bradford and Jack Shackelford, for articles furnished for the use of the Land Office at Courtland, house rent, &c.; and the Commissioners of the Tennessee canal are hereby authorized and required to pay the same, as herein specified, any law, usage or custom to the contrary notwithstanding.

Approved, 11th February, 1843.

[No. 232.]

AN ACT

To regulate, in part, the duties of the Treasurer of Montgomery County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That in addition to the duties already prescribed by the act, &c, approved December fifteenth, one thousand eight hundred and forty, it shall be the duty of the Treasurer of Montgomery county, annually to publish, in some one journal in said county, a full and complete exhibit of the finances of the county, stating its indebtedness, and also the means to liquidate the same; and also to present a copy of the said exhibit to the grand jury, at the spring term of the Circuit Court of said county, of each year. Additional duties of Treasurer

Sec. 2 *And be it further enacted,* That if said Treasurer shall fail to perform the duties herein required, he shall be liable to pay a fine of one hundred dollars, for each neglect of duty, to be recovered in any court of law in this State, in the name of said county; and such fine, so recovered, shall go to the use of said county. Penalty for forfeiture

Approved, February 4th, 1843.

[No. 233.]

AN ACT

In relation to Jurors in Walker County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, there shall be twenty-four regular jurors drawn and summoned for each term of the Circuit Court, and twelve regular jurors for each term of the County Court for said county, and no more, any law to the contrary notwithstanding.

Approved, 13th February, 1843.

[No. 334.]

AN ACT

For the relief of Mary Jane Jones and Elizabeth Revis.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, it shall be lawful for Mary Jane Jones, wife of Allen Jones, of Barbour county, to contract for and acquire property, and have and exercise all the rights and privileges of a *feme sole*: *Provided*, that nothing in this act contained, shall impair any right of any present creditor of the said Allen.

Sec. 2. *And be it further enacted,* That all the provisions of the first section of this act shall be extended to Elizabeth Revis, wife of Edward Revis, of Marshall county.

Approved, February 6th, 1843.

[No. 235.]

AN ACT

For the relief of John M. Yancy.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter in all cases where it may be necessary for John M. Yancy, of the county of Marengo, to take and subscribe the oaths prescribed by law, against duelling, the same shall be administered in reference to time, to the first day of April, eighteen hundred and forty-two.

Sec. 2. *And be it further enacted,* That the said John M. Yancy, shall not, in any manner, be liable to the pains and penalties prescribed in sections ten and eleven, chapter three, of the Penal Code, for any act or thing which may have been done by said Yancy, prior to the first day of April, eighteen hundred and forty-two.

Approved, 7th February, 1843.

[No. 236.]

AN ACT

For the relief of Julia S. Sample of Autauga county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That from and after the passage of this act, Julia S. Sample, of the county of Autauga, wife of Alexander Sample, shall be capable in law of taking, and holding, by purchase, gift, or inheritance, any property, real, or personal, in the same manner, and to the same extent, that a *feme sole* may do, and the property so hereafter to be obtained, shall be free from liability for, or on account of the debts of her said husband.

Sec. 2. *And be it further enacted,* That the said Julia S. Sample, may, and shall be allowed to hold, in like manner, free from the debts of her husband aforesaid, all and any property which she may accumulate hereafter by her own care and industry.

Approved, 8th February, 1843.

[No. 237.]

AN ACT

For the relief of Sally C. Gunn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall be lawful for Sally C. Gunn, of the county of Morgan, to take, receive, and hold by purchase, gift or inheritance, any property, either real, or personal, free from the hindrance, molestation, or authority of her husband, William Gunn, and the same to dispose of, by will, gift or sale, in the same manner as if she was a *feme sole*.

Approved, 13th February, 1843.

[No. 238.]

AN ACT

To change the names of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the names of Moses Brown, Benjamin Franklin Brown, Gilbert La Fayette Brown, Elijah Brown, and Thomas M. Brown, be and the same are hereby changed to Moses Johnson, Benjamin Franklin Johnson, Gilbert La Fayette Johnson, Elijah Johnson, and Thomas M. Johnson, and by the latter names shall always be designated and known.

Approved, 13th February, 1843.

[No. 239.]

AN ACT

To change the name of a certain person therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the name of William Tell Dean, of the county of Baldwin, be and the same is hereby changed to that of William Tell Brantley. Name changed.

Sec. 2. *And be it further enacted,* That the said William Tell Dean, be and he is hereby made the legal heir of Ethelbert Brantley, of the county of Baldwin, and that he be entitled to all the rights and privileges, and be capable of taking by inheritance or otherwise, any property, real or personal, which may descend to him as such. Privileges.

Approved, 8th February, 1843.

(No. 240.)

AN ACT

For the relief of James T. Lindsay.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the present school commissioners of the sixteenth section, in township twenty-one, of range four, east, in Talladega county and Coosa land district, or their successors in office, are hereby authorized to revoke, rescind, and make void, the sale of the south west fourth of the east half of the said sixteenth section, on such terms and under such stipulations, as they the said school commissioners may agree upon with James T. Lindsey, the purchaser, or his legal representatives: *Provided,* such terms and stipulations shall not have a tendency to prejudice the interest of those persons, who are now, or those who may hereafter be interested in the proceeds of said sixteenth section. Contract to be annulled.

Approved, 11th February, 1843.

[No. 241.]

AN ACT

For the relief of John Baird.

Preamble.

WHEREAS, John Baird has, from his patriotic service during the late war with Great Britain, been disabled from procuring a subsistence by manual labor; and this General Assembly being at all times willing to compensate, as far as it can be properly done, persons who have devoted their blood and treasure to the defence of their country: Therefore,

Allowed to
peddle with-
out license.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the aforesaid John Baird be, and he is hereby authorized to hawk and peddle in any county in this State, free and exempt from all charges for licenses which are imposed upon other persons: *Provided,* that nothing herein contained, shall be construed to authorize the said John Baird to retail spirituous liquors: *And provided further,* that the counties of Lauderdale, Pickens, Wilcox, Clarke, Baldwin, Greene, Jefferson, Dallas, Benton, Fayette, Barbour, Franklin, Marion, Pike, Blount, Chambers, Tuscaloosa, St. Clair, Shelby, Marengo, Conecuh, Covington, Montgomery, Perry and Washington, be exempted from the provisions of this act.

Approved, February 14th, 1843.

[No. 242.]

AN ACT

For the relief of Thomas Stringer, of Mobile County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, in all cases where it may be necessary for Thomas Stringer, of Mobile county, to take or prescribe the oath or oaths prescribed by law against duelling, the same shall be limited, in point of time, to the first day of November, in the year of our Lord one thousand eight hundred and forty-one.

Approved, 14th February, 1843.

[No. 243.]

AN ACT

For the relief of Thomas H. Wiley.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, in all cases where it may be necessary for Thomas H. Wiley to take and subscribe the oaths prescribed by law against duelling, the same shall be administered, in reference to time, to the first day of January, one thousand eight hundred and thirty-eight.

Approved, 13th February, 1843.

[No. 244.]

AN ACT

For the relief of Sarah Switzer and Sarah P. Atkins.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Sarah T. Switzer, wife of Leonard Switzer, of the county of Tuscaloosa, to take, receive, and hold, by purchase, gift, or inheritance, any property, either real or personal, free from the hindrance, molestation, contract, or authority of her said husband, Leonard Switzer, and the same to dispose of by will, gift, or sale in the same manner, as if she were a *feme sole*: *Provided however*, the provisions of this act shall apply only to such property as she shall acquire by her own exertion, and from other persons, than her said husband, and shall not operate to the prejudice of existing creditors, as to property heretofore acquired.

Sec. 2. *And be it further enacted*, That the provisions of this act, be and the same are hereby declared to be applicable in all respects, to Sarah P. Atkins, of Tuscaloosa county, wife of Thomas Atkins.

Approved, 9th February, 1843.

[No. 245.]

AN ACT

For the relief of the legal representatives of John Scott, senr. deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Branch of the Bank of the State of Alabama, at Montgomery, be and they are hereby authorized and directed to receive from Alfred V. Scott, and Charles T. Pollard, executors of John Scott, senr. deceased, promissory notes with good and sufficient securities, amounting in the whole to the sum of four thousand two hundred and ninety-five dollars and eighty-two cents, bearing interest at eight per cent per annum, and payable at one, two, three, and four years, in payment of three notes, dated, first June, one thousand eight hundred and thirty-nine, each for the sum of one thousand four hundred and thirty-one dollars and ninety-four cents, and due as follows, viz: one on the first day of January, one thousand eight hundred and forty; one first January, one thousand eight hundred and forty-one, and one due first January, one thousand eight hundred and forty-two, made by said John Scott, senr. deceased, and delivered to said Bank, in payment of balance due for the purchase of the half of section sixteen, in township sixteen and range seventeen: *Provided*, the said Alfred V. Scott, and Charles T. Pollard, shall first pay into the said Bank, all the interest which may have accrued upon said notes.

Approved, 2d February, 1843.

[No. 246.]

AN ACT

To extend an act entitled an act, granting certain privileges to Alexander Findley of De Kalb County, approved December 31st, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That an act granting certain privileges to Alexander Findley of De Kalb county, approved December thirty-first, one thousand eight hundred and forty-one, be in all things extended to the county of Benton.

Approved, 4th February, 1843.

[No. 247.]

AN ACT

For the relief of Frances McCoy and Semantha Wynn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*. That from and after the passage of this act, it shall be lawful for Frances McCoy of the county of Henry, to take, receive, and hold by purchase, gift or inheritance, any property, either real or personal, free from the hindrance, molestation, or authority of her husband, Joseph McCoy, and the same to dispose of by will, gift, or sale, and that all property acquired by her, from and after the passage of this act, shall in nowise be subject to the debts of her said husband, and that the said Frances McCoy shall possess all the rights and privileges, and be subject to all the liabilities of a *feme sole*.

Sec. 2. *And be it further enacted*, That the benefit of all the provisions of this act shall be extended to, and enjoyed by Semantha Wynn, of the county of Greene, wife of James R. Wynn.

Approved, 3d February, 1843.

[No. 248.]

AN ACT

For the relief of Anne T. R. Wyatt.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Anne T. R. Wyatt, wife of William Wyatt, be and she is hereby authorized to make contracts in her own name, the effect of which contracts shall be to create a personal liability against her to the extent of any property that has been, or may hereafter be conveyed to her separate use, and that she may in her own name, commence any suit in law or equity, that may be necessary to protect her separate estate, and she shall also be entitled to defend in her own name, any suit that has been, or may be commenced, which involves her own interest in the same.

Approved, 5th January, 1843.

[No. 249.]

AN ACT

For the relief of George H. Garrett.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Governor, be and he is hereby authorized, if to him it shall seem reasonable and proper, to pardon George H. Garrett, convicted of negro stealing before the circuit court for the county of Autauga.

Approved, 19th January, 1843.

[No. 250.]

AN ACT

To enable Thomas S. Tate to remove a certain estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Thomas S. Tate of Russell county, be authorized to remove from the county of Cherokee, the estate belonging to the heirs of Jeremiah Waters, deceased, on presenting to the county Judge of Cherokee, the certificate of the county Judge of Russell county, that he hath given bond and security, in his county as required of guardians, by law.

Approved, 13th February, 1843.

(No. 251.)

AN ACT

For the relief of J. Henri Hottinguer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the above named J. Henri Hottinguer, a French citizen, be authorized to have, hold, possess, and enjoy lands and tenements in the city of Mobile, in the same manner, as if he had been born in the United States, and that the same may descend, or be transferred by him, by sale, gift, or devise, without being subject to the laws in regard to escheat or forfeited.

Approved, 6th February, 1843.

[No. 252.]

AN ACT

For the relief of John B. Herron.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, whenever it shall become necessary for John B. Herron, of Montgomery county, to take and subscribe the oath or oaths against duelling, the same shall be confined, in point of time, to the first day of January, Anno Domini, one thousand eight hundred and forty.

Approved, 14th February, 1843.

[No. 253.]

AN ACT

To extend the time for the removal of certain Slaves, emancipated by a decree of the County Court of Clarke County.

Emancipation
confirmed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That* Cicely, Mary, Squire, Pino and David, emancipated by a decree of the County Court of Clarke county, at a term of said Court, held on the twentieth day of April, A. D. one thousand eight hundred and forty-two, on the application of Thomas Riley, of said county, be, and they are hereby permitted to remain, for the term of one year from the passage of this act, before removal from the State, as now required by law: *Provided, however,* that if said persons remain beyond the said term, they shall be subject to all the pains and penalties to which emancipated slaves are subjected by an act entitled an act to authorize the Judges of the County Courts to emancipate slaves, approved January seventeenth, one thousand eight hundred and thirty-four, for a return to this State, after their emancipation and removal: *Provided,* that the provisions of this act shall not expire until the first day of January, one thousand eight hundred and forty-five.

Approved, 9th February, 1843.

(No. 254.)

AN ACT

To legalize the acts of Thomas M. King, Noel B. Warren, and James P. Poston, Commissioners of the Sixteenth Section of Township four, and Range five, in the County of Jackson.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That* the acts of Thomas M. King, Noel B. Warren, and James P. Poston, commissioners of the sixteenth section of township four, and range five, in Jackson county, for the year A. D., one thousand eight hundred and thirty-seven, be and the same is hereby legalized, and made valid in all respects, any law or usage to the contrary notwithstanding.

Approved, 7th February, 1843.

[No. 255.]

AN ACT

To repeal, in part, an Act for the relief of William Jones, of Walker County, and the descendants of Joseph Elliott, of Jackson County, passed January 7th, 1828.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That* the third section of an act entitled an act for the relief of William Jones, of Walker county, and the descendants of Joseph Elliott, of Jackson county, approved seventh January, one thousand eight hundred and twenty-eight, be, and the same is hereby repealed.

Approved, 14th February, 1843.

[No. 256.]

AN ACT

To confirm the emancipation of certain slaves therein named.

WHEREAS, from the petition of Faustin Collin, of the city of Mobile, it appears that Valerie Petit, did, by act of emancipation, made on the seventeenth day of August, Anno Domino, one thousand eight hundred and thirty-six, and recorded in the office of the Clerk of the County Court of Escambia county, in the Territory of Florida, manumit and set free, a certain negro woman, named Louisa Rafael, who has since given birth to a female child named Isabella Rafael: *And whereas*, doubt exists whether said Isabella and Louisa are permitted to reside in this State, under existing laws: Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened.* That the above named act of emancipation of Louisa Rafael, by Valerie Petit, be, and the same is hereby confirmed, reserving the right of creditors; and upon this express condition, that Faustin Collin, above named, shall give bond and security, in the sum of two thousand dollars, to be approved by the Judge of the County Court of Mobile County, and payable to the Governor of this State, and his successors in office, conditioned that said Louisa Rafael and her child Isabella, shall never become a charge to this State, or any county, city or town therein, and the said Louisa and Isabella, shall not be required under any law to leave this State. Emancipation confirmed.

Approved, 15th February, 1843.

[No. 257.]

AN ACT

To amend an Act entitled an Act to authorize the sale of property at the Town of Fairfield, in Pickens County, and also at Greensborough, in the County of Greene, approved December 31, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That hereafter, the sheriff of Greene county may, at his election, sell any goods and chattels, except negroes, that may be levied on and sold by him, by virtue of any legal process, in that part of Greene county lying east of the Warrior river, either at the town of Greensborough, or any other place in said county, east of the Warrior river; and such sales, at any other place than the town of Greensborough, may be made on any day to be fixed by the said sheriff. Greene.

Sec. 2. *And be it further enacted,* That the third section of the act entitled an act to authorize the sale of property at the town of Fairfield, in Pickens county, and also at Greensborough, in the county of Greene, so far as the same conflicts with the provisions of this act, be, and the same is hereby repealed. Pickens.

Approved, February 2d, 1843.

(No. 258.)

AN ACT

For the relief of a certain person therein named.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That Celia J. Reid be and she is hereby authorized to make contracts in her own name, the effect of which contracts shall be to create a personal liability, against her to the extent of any property that has been, or may hereafter be conveyed to her separate use, and she may, in her own name, commence any suit in law or at equity, that may be necessary to protect her separate estate, and she shall also be entitled to defend, in her own name, any suit that has been, or may be commenced, which involves her own interest in the same.

Approved, 9th February, 1843.

[No. 259.]

AN ACT

For the relief John A. Hurst and Jordan Thornton.

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the present School Commissioners, of township twenty-three and range twenty-seven, in the County of Chambers, be, and they are hereby authorized to examine the account that John A. Hurst and Jordan Thornton have against the school fund in said township, and if in their opinion such account is just and true, the said commissioners now acting, are hereby authorized to pay said account out of any money belonging to said township, as a school fund, arising from the sale of the sixteenth section: *Provided*, that the interest on said fund be sufficient to pay said account, without interfering with the present liabilities of the school commissioners.

Approved, 8th February, 1843.

[No. 260.]

AN ACT

For the relief of Henry Laurence.

Preamble. WHEREAS, the statement of Henry Laurence, Tax Collector of the County of Cherokee, and also by the petition of a number of the citizens of said county, the said Henry Laurence has had stolen from him the sum of one hundred dollars of the tax he had collected for said county, for the year one thousand eight hundred and forty-two:—Therefore

Section 1. Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Judge of the County Court and Commission-

ers of Roads and Revenue, for the County of Cherokee, be, and Tax remitted they are hereby authorized to remit the amount of one hundred dollars out of the tax of one thousand eight hundred and forty-two, collected by Henry Laurence, tax collector of said county, in their settlement with him: *Provided*, that in the opinion of said Judge and Commissioners, it may be proper and right to do so.

Approved, 14th February, 1843.

[No. 261.]

AN ACT

To vest in Martha Mary Ann Moore, wife of J. S. Moore, certain rights and privileges therein named, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, it shall be lawful for Martha Mary Ann Moore, of the County of Russell, to take, receive and hold by purchase, gift or inheritance, any property either real or personal, free from the hindrance, molestation or authority of her husband, James S. Moore, and the same to dispose of, by will, gift or sale, and that all property acquired by her from and after the passage of this act, shall in no wise be subject to the debts of her said husband, and that the said Martha Mary Ann Moore, shall possess all the rights and privileges, and be subject to all the liabilities of a *feme sole*.

Approved, February 13th, 1843.

[No. 262.]

AN ACT

Concerning Juries for the Counties of Walker and Marion.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, in the county of Walker, there shall be drawn from the ticket-box, in the manner now prescribed by law, the names of seventeen persons, to serve as grand jurors, and the number of twelve, in manner now prescribed by law, to serve as petit jurors. Grand jurors.

Sec. 2. *And be it further enacted*, That such grand and petit jurors shall be summoned to attend the terms of the Circuit Court, for which they may be drawn, in the manner now prescribed by law; and that all parts of laws, contravening the meaning of this act, be, and the same are hereby repealed, as regards the county of Walker. How summoned.

Sec. 3. *And be it further enacted*, That the provisions of this act shall also extend to, and regulate the drawing and summoning jurors for the county of Marion. Marion.

Approved, 1st February, 1843.

[No. 263.]

AN ACT

To confirm the emancipation of a certain slave therein named.

Charles
emancipated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the act of emancipation of negro boy Charles, (son of Marie, who was formerly the property of Honore Collin,) and who was emancipated and set free by Faustin Collin and Maximillian Collin, the sons and heirs of said Honore Collin, be, and the same is hereby confirmed; and the said Charles, shall not be required to leave this State, under any law: *Provided*, that bond with sufficient security, in the sum of two thousand dollars, to be approved by the Judge of the County Court of Mobile county, and made payable to the Governor of this State, and his successors in office, shall be given, that said Charles, shall never become a charge to this State, or any county, city or town therein.

Approved, 14th February, 1843.

[No. 264.]

AN ACT

To repeal in part an act, entitled an act, for the relief of Tales Jurors, in the county of St. Clair, and other counties, approved, December 20, 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That so much of an act, entitled an act, for the relief of Tales Jurors, in the county of St. Clair, and other counties, approved, December twentieth, eighteen hundred and forty-one, as pertains to the county of St. Clair, be, and the same is hereby repealed.

Approved, 14th February, 1843.

(No. 265.)

AN ACT

For the relief of sundry citizens of Walker county.

Militia com-
pany to be
formed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That a Militia Company shall be formed in Walker county, bounded as follows, to wit: beginning at the north west corner of township nine, range eight west, thence south to the south west corner of township eleven said range, thence east, to Sipsey river, thence up said river to the Brushy fork, thence up said fork to the main fork, thence up the west prong of the Brushy fork to the Lawrence county line, thence west to the beginning, all of which territory shall form one company beat, and shall be so organized by the proper officers, without regard to the number of men liable to military duty, resident therein, any law to the contrary notwithstanding.

Approved, 2d February, 1843.

[No. 266.]

AN ACT

For the relief of Ellison Warren.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Court of Roads and Revenue, of Barbour county, be, and the said court is hereby authorized, in the matter of the judgment heretofore rendered in said county, against Ellison Warren, late tax collector, and his securities, to allow such credit upon said judgment, in respect of insolvencies and errors of assessment not heretofore allowed, as, upon such proofs as said court may deem reasonable, said court may adjudge ought to be allowed: *Provided*, that at least, three members of said court assent thereto.

Approved, 14th February, 1843.

[No. 267.]

AN ACT

For the relief of Mildred Hogue.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Mildred Hogue, of the county of Cherokee, be, and she is hereby made capable of receiving, acquiring and holding a separate estate in property, both real and personal, either by gift, purchase or otherwise, in the same manner as if she were a *feme sole*, and of which she may dispose by gift, grant or otherwise; and in case she shall die intestate, the same shall descend to and be distributed amongst her heirs, as in other cases of intestacy. And no property acquired by the said Mildred Hogue, shall be liable for the payment of the debts of her husband, Jesse Hogue; and she shall be capable of suing and being sued, as a *feme sole*, so long as she and her said husband remain separate and apart.

Approved, February 6th, 1843.

[No. 268.]

AN ACT

For the relief of Walter Chiles.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Bank of the State of Alabama be, and he is hereby authorized and required to refund to Walter Chiles the interest due on a certain amount of money paid by said Chiles into Bank, for the purchase of section sixteen, township eighteen, range two, west, in Sumter county, and in the Demopolis land district; which amount of money was refunded to the said Chiles, by order of the Legislature.

Approved, February 6th, 1843.

[No. 269.]

AN ACT

For the relief of the legal representatives of Jesse B. Phillips, dec'd.

Directors
Montgomery
Branch Bank
authorized to
receive notes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the President and Directors of the Branch of the Bank of the State of Alabama, at Montgomery, be, and they are hereby authorized and required to receive from Martha Phillips, administratrix, and Woodson P. Allen, administrator of Jesse B. Phillips, dec'd. promissory notes with good and sufficient security, amounting in the whole to the sum of fourteen hundred and fifty dollars, bearing interest at eight per cent., per annum, and payable in one, two and three years, in payment of one note made by Jesse B. Phillips, Woodson P. Allen and William C. Morgan, for fourteen hundred and fifty dollars, dated February, one thousand eight hundred and forty-two, and due at twelve months; said notes to be due and payable as follows: the first dated April fifteenth, one thousand eight hundred and forty-three at twelve months, for four hundred and eighty-three dollars and thirty-three cents; the second dated April fifteenth, one thousand eight hundred and forty-four, at twelve months, for the same amount; the third, dated April fifteenth, one thousand eight hundred and forty-five, at twelve months, for the same amount: *Provided*, said Martha Phillips and Woodson P. Allen, shall first pay into said Bank, all the interest which may have accrued on said first named note.

Approved, 13th February, 1843.

[No. 270.]

AN ACT

Permanently to locate the site of Justice, in the county of Dale, and for other purposes.

County site.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, the present site of Justice in the county of Dale, chosen by Commissioners for that purpose appointed, be called and known by the name of Newton.

Poll tax.]

Sec. 2. *And be it further enacted,* That hereafter, the Commissioners of Roads and Revenue in the counties of Dale and Coffee, shall fix the rate of poll tax to be levied in said counties, at a sum not exceeding fifty cents, instead of the rate now allowed by law.

Repeal.

Sec. 3. *And be it further enacted,* That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

Approved, 9th February, 1843.

[No. 271.]

AN ACT

For the relief of James Pickens.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of eight hundred dollars, be, and is hereby appropriated to James Pickens, of Marengo county, in payment for a slave named Sam, who was condemned to death by the judgment of the Circuit Court of Marengo county, at the last spring term of the said Court, and was afterwards duly executed in pursuance of the said judgment, and the said sum shall be paid to the said James Pickens, or his duly authorized agent, out of any monies in the treasury not otherwise appropriated.

Approved, 2d February, 1843.

[No. 272.]

AN ACT

For the relief of the Administrators of the Estate of William H. Betts.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Judge of the County Court of Barbour county, be, and he is hereby authorized to cause true copies to be made and duly certified, of all the acts and doings of record in said court, respecting the administration of the estate of William H. Betts, deceased, and deliver the same to the administrators of said estate.

Duty Judge
county court
of Barbour.

Sec. 2. *And be it further enacted*, That so soon as the said exemplification shall be handed over to the Judge of the County Court of Montgomery, it shall be considered full authority for the said Judge of the County Court of Montgomery to proceed with the business of said estate in all matters, as if the administration had originally commenced with him.

Judge Mont-
gomery coun-
ty.

Sec. 3. *And be it further enacted*, That from and after the said exemplification is filed in Montgomery county, as aforesaid, the administration shall cease and determine in the said county of Barbour: *Provided, always*, that all expenses that now are, or may be due in the County Court of Barbour, be paid by the administrators.

Administra-
tion.

Approved 8th February, 1843.

[No. 273.]

AN ACT

For the relief of Howell E. Chitty.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That hereafter, Howell E. Chitty, on entering on the duties of any office, in which the duelling oath is to be taken, that it shall only refer back to the first of August, eighteen hundred and forty-two, any law to the contrary notwithstanding.

Approved, 13th February, 1843.

[No. 274.]

AN ACT

For the relief of James M. Young.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the returns made by James M. Young, late tax collector of the county of Tallapoosa, to the Commissioners' Court of Roads and Revenue as tax collector of said county, be held as a good and sufficient return in law, so far as the same has been made in good faith, and without default, any law to the contrary notwithstanding.

Approved, February 14th, 1843.

[No. 275.]

AN ACT

To authorize Alexander White, Administrator, and Sarah White, Administratrix, of John White, deceased, to dispose of so much of the Real Estate of which the said John White died seized, as shall be sufficient to discharge the debts of the said Estate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall, and may be lawful for Alexander White, administrator, and Sarah White, administratrix, of the estate of John White, deceased, to dispose of so much of the real estate of which the said John White died seized, as shall be sufficient in value to satisfy the debts due from the said estate, upon the conditions hereinafter stated.

May sell real
estate.

Sec. 2. *And be it further enacted,* That before disposing of any of the real estate aforesaid, the said administrator and administratrix shall return to, and file in the Orphans' Court of Talladega county, a sworn schedule, setting forth the amount, number and descriptions of all debts due from said estate within their knowledge, together with the probable value of available assets belonging to the same, exclusive of land and negro property; and shall give bond, to be approved by the Judge of the Court aforesaid, in a penalty of twice the estimated value of the real estate proposed to be sold, conditioned to return to said Court, a correct account of sales, and to pay and appropriate the proceeds of such sale, first, to the extinguishment of the liabilities of said estate, and if any surplus, to distribute it among the heirs and distributees of said estate, according to law.

Schedule to
be filed.

Sec. 3. *And be it further enacted,* That upon complying with the provisions of the second section of this act, it shall be lawful for the said administrator and administratrix to advertise and sell such real estate, upon such terms as they, in their discretion, may prescribe, the proceeds to be applied as aforesaid; and the said administrator and administratrix are authorized to make to the purchaser or purchasers, at such sale, good and sufficient

Real estate to
be sold, and
title made.

titles, in fee simple, to such land or lands, upon the complete payment of the purchase money.

Sec. 4. *And be it further enacted*, That the said administrator and administratrix, upon discharging the debts of the said estate, may retain together, for the benefit of the family of the said decedent, the entire negro property belonging to the said estate, and shall not be required to dispose of them in any way, until application shall be made for distribution, at the instance of some person interested therein; and all laws conflicting with this, are repealed. Negro property retained.

Approved, February 14th, 1843.

[No 276.]

AN ACT

For the relief of Adaline R. Deavreux.

WHEREAS, Adaline R. Deavreux, now a resident of Conecuh county, having been abandoned by her husband, Julian S. Deavreux, who has left the State of Alabama, and removed to Texas with his property, which he principally obtained by her, and has left a considerable amount of indebtedness behind him, which will, most likely, in her old age, place her in very indigent circumstances, and whereas said Adaline R. Deavreux will be entitled to a distributive share of the estate of her aunt Margaret Bradley, late of Covington county, now deceased, for her relief, therefore Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That all the property, real or personal, to which said Adaline R. Deavreux may be entitled, as one of the legatees or devisees of her said aunt Margaret Bradley, shall vest in her for her own separate use, and be subject to her sole control, and not subject to, or liable for any of the debts of her said husband, but the same shall be and remain subject to any debts or liabilities contracted by said Adaline R. Deavreux: and the said Adaline R. Deavreux shall have and enjoy, all the benefits and immunities of a *feme sole*,

Approved, 13th February, 1843.

[No. 277.]

AN ACT

For the relief of Alfred Fuller, and his wife, Susannah Fuller.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the matrimonial rights heretofore solemnized between Alfred Fuller and Susannah Fuller, be, and the same are hereby declared to be legalized and in full force and effect in law, any law to the contrary notwithstanding.

Approved, February 4th, 1843.

[No. 278.]

AN ACT

Explanatory of an Act for the relief of Cassandra Kelley.

Preamble.

WHEREAS, doubts are entertained, whether the act approved on the seventeenth January, one thousand eight hundred and thirty-nine, for the relief of Cassandra Kelley, has accomplished the entire object intended by the Legislature:—Therefore,

Rights of
State relin-
quished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* The true intent and meaning of the aforesaid act shall, and is hereby declared to be, that whatever rights or interests the State of Alabama may have, or shall hereafter acquire, by escheat, in and to the personal property, rights and credits, which were of the estate of Christopher Plunket, deceased, late husband of said Cassandra, be, and the same are hereby vested in, and relinquished to the said Cassandra, present wife of James W. Kelley, of the county of Dallas; that such is, and shall be the disposition of said property and interests, whether the same be considered to have vested by operation of law in Matthew Plunket, the deceased brother of said Christopher Plunket, and to have escheated as of the estate of the former at the time of his death, or as remaining part of the estate of said Christopher Plunket: *Provided*, nothing herein contained shall impair the rights of creditors or heirs or distributees of either of said decedents.

Approved, January 27th, 1843.

[No. 279.]

AN ACT

To confirm the emancipation of a certain slave therein named.

Preamble.

WHEREAS, by the last will and testament of Joseph Johnston, late of the county of Washington, he ordered and directed a certain negro man slave, named Baptiste, to be emancipated and set at liberty, on account of the faithful services of said slave, to his said master, and on account of the aid rendered by him in preserving the life of his master in a conflict with a band of runaway outlawed slaves: *Therefore*,

Baptiste, a
slave eman-
cipated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the said Baptiste is hereby emancipated and set free from the bonds of slavery heretofore existing, upon condition that Daniel Reed, who is authorized by said will, to procure the emancipation of said slave, and James Johnston, who is administrator with the will annexed, of said Joseph Johnston, deceased, shall enter into bond, with good security, to be approved of by the Judge of the County Court of Washington county, in the sum of five thousand dollars, conditioned that said Baptiste shall never be-

come a charge to the State of Alabama, or any town, city, or county of said State, and shall be of good behaviour: *Provided*, that nothing in this act contained, shall be construed to affect the right of creditors: *And provided, further*, that said Baptiste shall not be required to leave the State of Alabama.

Approved, 10th February, 1843.

[No. 280.]

AN ACT

For the relief of Thomas J. Zimmerman and William O. Pullin.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That from and after the passage of this act, Thomas J. Zimmerman and William O. Pullin be, and they are hereby declared liners between the counties of Tallapoosa and Montgomery, and shall hereafter be considered as citizens of the county of Montgomery, so long as they remain at their present residences, and shall be subject to all laws in relation to citizens of Montgomery county, in the same manner as if they resided in said county.

Approved, 14th February, 1843.

(No. 281.)

AN ACT

Authorizing Thomas M. Cowles, to take out letters of administration, in the county of Montgomery.

Section 1. *Be it enacted by the Senate and House of Representatives, of the State of Alabama, in General Assembly convened*, That Thomas M. Cowles, is hereby authorized to take out letters of administration upon the estate of John A. Cowles, deceased, from the Orphans' Court of the county of Montgomery: *Provided*, said Thomas M. Cowles will execute all the necessary bonds now required by law.

Approved, 25th January, 1843.

[No. 282.]

AN ACT

For the relief of Alex. Campbell, and others, purchasers of School lands in Randolph county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the President and Directors of the Branch of the Bank of the State of Alabama, at Montgomery, be, and they are hereby authorized and required to cancel the notes or bonds given by Jesse Johnson, Alexander Campbell, David T. Evins, and Fleming F. Adrian, to secure the purchase money of so much school lands in township seventeen, of ranges nine and ten, and of township eighteen, of range nine, in the county of Ran-

dolph, as may have been purchased by them, respectively: *Provided*, that all the citizens of said townships, respectively, as well as the makers of said notes or bonds, shall first file in said Bank their assent, in writing, to the rescission of the several contracts of sale, which shall be authenticated by the Judge or Clerk of the County Court of Randolph county: *And provided further*, that the said Jesse Johnson, Alexander Campbell, David T. Evins, and Fleming F. Adrian, shall deliver up to the Commissioners of said school lands respectively, his or their certificates of purchase, and pay all costs which have accrued, by suit or otherwise, on said notes or bonds.

Approved, 3d February, 1843.

(No. 283.)

AN ACT

To authorize the Commissioners of township one, range ten, west, to do certain acts therein named.

Commissioners authorized to compromise suits.

Proviso.

Renewal of notes.

Failure to renew notes.

Section. 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the School Commissioners for township one, range ten, west, in the county of Lauderdale, be, and they are hereby authorized to compromise any or all the suits now pending in the Circuit Court, for said county, in which the Bank of the State of Alabama, is plaintiff, and the several purchasers of portions of the sixteenth section of said township, and their securities are defendants, by dismissing them at the cost of the defendants, with whom they may compromise, and taking new notes, with such security, whether personal or collateral, as they may think proper, payable to the Commissioners aforesaid, and their successors in office, twelve months after date, bearing eight per cent. interest from date: *Provided*, that the purchasers shall pay all, or so much of the interest as has already accrued on the notes in suit, as the Commissioners may require, to meet the demands on said township, before they shall have the benefit of this act.

Sec. 2. *And be it further enacted*, That any, or all of the purchasers aforesaid, may annually, renew their notes, by paying the interest accruing thereon, and giving new or additional security, if required, until the safety of the fund shall require its collection.

Sec. 3. *And be it further enacted*, That whenever any one or more of said purchasers aforesaid, shall fail, annually to renew his or their notes, and pay the interest thereon, as above required, the Commissioners may immediately institute suit against the person or persons so failing, in the name of the Commissioners of township one, range ten west, and be entitled to as full, and complete remedies at law, as if the notes had been originally given to said Commissioners by authority of a special law.

Sec. 4. *And be it further enacted*, That the Commissioners

of said township, shall each hereafter, annually give bond, with good security, to be approved by the Judge of the County Court Bond. of said county, in the penal sum of three thousand dollars, conditioned for the faithful discharge of their duty: and it shall be their duty, besides the duties now required by law, of School Commissioners to require good security on said notes above-mentioned, and have them annually renewed, as required by this act.

Sec. 5. *And be it further enacted*, That a certificate of full and final payment, from two or more of the Commissioners of said township, shall entitle the several purchasers so receiving them, Certificate of payment. to a patent from the Secretary of State, in the same manner as if it had been given by the Cashier of the Bank of the State of Alabama.

Approved, February 13th, 1843.

[No. 284.]

AN ACT

For the relief of William R. Bracken.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the sum of eight hundred and fifty dollars, be, and the same is hereby appropriated to William R. Bracken, being the assessed value of a negro man slave, named Nelson, the property of said Bracken, executed in pursuance of a sentence of the Circuit Court of Mobile county, rendered and pronounced at the spring term of said Court, A. D. eighteen hundred and forty two, to be paid out of any monies in the Treasury, not otherwise appropriated, and that the Comptroller draw a warrant on the Treasurer, for said sum, in favor of William R. Bracken, or his legally authorized agent.

Approved, 26th December, 1842.

[No. 285.]

AN ACT

To authorize the Commissioners of the Sixteenth Section, in township seven, range two, east, in St. Stephens' land district, to rescind a certain contract therein described.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the duly elected commissioners of the sixteenth section in township seven, in range two, east, in the county of Clarke, be and they are hereby authorized, if in their opinion, it be expedient for the interest of the township, to rescind the contract of sale, of three hundred and eighteen and fifty-hundredths acres of said section, heretofore made to David Taylor, now deceased: *Provided*, that the heirs at law, of the said David Taylor, assent to the same, and the said commission-

Provisos.

ers are hereby authorized, upon the rescinding of such contract, to surrender to the legal representatives of the said Taylor, the notes executed by him, in consideration of said purchase: *Provided*, that no part of the purchase money shall be returned to the first purchaser, their administrators, executors, heirs or assigns: *And provided further*, that a majority of all the qualified electors of said township, as well as the heirs of said Taylor, shall first assent, in writing, to such rescission of said contract, which writing shall be filed and recorded in the office of the clerk of the county court of said county.

Approved, 2d February, 1843.

[No. 286.]

AN ACT

For the relief of Hiram A. Defrease, of the county of Talladega.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Comptroller of Public Accounts, be, and he is hereby authorized, and required to draw his warrant on the Treasurer, in favor of Hiram A. Defrease, for the sum of one hundred and fifty four dollars and fifty cents, out of any monies not otherwise appropriated.

Approved, 8th February, 1843.

[No. 287.]

AN ACT

To compensate certain persons therein named, and for other purposes.

Compensation to sheriff.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That Stephen Cobb, sheriff of Covington county, shall be allowed such compensation as the Judge of the County Court, and Commissioners of Roads and Revenue of said county, shall think reasonable and just, for all such services as he may have performed heretofore, or may hereafter perform, in relation to holding elections, and making returns thereof, on the subject of a county site, for said county, and it shall be the duty of the Judge and Commissions aforesaid, to grant an order in favor of said sheriff, for the amount so allowed by them, which shall be paid out of the County Treasury of said county.

Per diem.

Sec. 2. *And be it further enacted*, That the Judge of the County Court of said county, shall be allowed the same per diem pay for each day he may be required to attend Commissioners' Courts, that the Commissioners themselves are, to be paid in the same manner, and be liable to the same penalty for failing to attend said courts, which by law are imposed on said commissioners, any law, usage or custom to the contrary, notwithstanding.

Approved, 4th January, 1843.

[No. 288.]

AN ACT

For the relief of William K. Bullock, and James House, of Sumter County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Cashier of the Bank of the State of Alabama, be, and he is hereby authorized to deliver up to Peter Knight, the note or notes given by him for the purchase of the north half of the south east quarter, and for the north half of the east half of the south west quarter of section sixteen, in township twenty-three of range three west, containing one hundred and twenty and three quarter acres of lands, offered for sale at the Demopolis land district, in Sumter county: *Provided, however,* that the said Peter Knight, shall present to the said Cashier, certified evidence that the contract between the said Peter Knight and the school commissioners for the said lands specified as above, is by mutual consent rescinded.

Approved, 14th February, 1843.

[No. 289.]

AN ACT

To repeal in part a certain act therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the proviso contained in the first section of an act, entitled "An act in relation to sixteenth sections," approved, February third, one thousand eight hundred and forty, be, and the same is hereby repealed, as to the Counties of Bibb and Tuscaloosa.

Approved, February 14th, 1843.

[No. 290.]

AN ACT

In relation to a certain purchase of a part of the sixteenth section, in township twenty, range fourteen west, in Pickens county.

WHEREAS, Tristram S. Thomas, on the seventeenth December, one thousand eight hundred and thirty-six, became the purchaser of lots, number eleven, twelve, thirteen and fifteen, and subsequently of lot number five, in said sixteenth section, and has paid into the Bank at Tuscaloosa thereon, the sum of two hundred and three dollars seventy-three and three fourth cents, and he and his securities being wholly insolvent:—Therefore

Preamble.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the assent of all the qualified voters of said township being first obtained, with the assent of the makers of the notes, the commissioners thereof, be, and they are hereby authorized to rescind said contract, so far as the same relates to lots, number eleven, thirteen and fifteen, and to apply the money which has

been paid by said Thomas, to lots number five and twelve, and the State Bank is hereby authorized and required to deliver up to said Thomas, his notes given for lots number eleven, thirteen and fifteen, upon the presentation of the certificate of said commissioners, properly authenticated, stating that all the qualified voters of said township, have assented to the rescinding of said contract as above stated, and that the makers of the notes have agreed thereto, and that the money paid shall be applied as aforesaid, and if the said sum of money shall be sufficient for full payment on lots number five and twelve, it shall be the duty of the Cashier to give a certificate of full payment on said lots, and of the Governor, to issue a patent for the same, to said Thomas: *Provided*, that no money shall be refunded to said Thomas.

Approved, February 13th, 1843.

[No. 291.]

AN ACT

For the relief of Davis E. Gresham and William Joiner.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That ninety-nine dollars be, and the same is hereby appropriated out of any moneys of the two hundred thousand dollars school fund, not otherwise set apart, for the purpose of compensating Davis E. Gresham and William Joiner, school commissioners of the sixteenth section of township twenty, of range eleven, in the County of Randolph, in satisfaction of that sum, having been paid by them to Francis M. Perryman, who was employed to teach school by said commissioners, in said township, in the year one thousand eight hundred and forty, the Branch Bank at Montgomery, and Bank at Tuscaloosa, refusing to pay the same, under the act approved, February third, one thousand eight hundred and forty.

Approved, February 14th, 1843.

[No. 292.]

AN ACT

To pay Goodridge Driver.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened*, That the Comptroller of public accounts, be, and he is hereby required to issue his warrant upon the State Treasurer in favor of Goodridge Driver, of Chambers county, for the sum of eighty-four dollars, for provisions furnished a company of men, under the command of Captain Gilbert D. Green, in the year eighteen hundred and thirty-six, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, 3d February, 1843.

[No. 293.]

AN ACT

For the relief of certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the following sums of money, be, and they are hereby appropriated to the following persons respectively, that is to say :

To Edward B. Vaughan, the sum of nine hundred dollars, the assessed value of a negro slave named Jack, the property of the said Edward B. Vaughan, condemned and executed according to law : Edward B. Vaughan.

To Jesse Carter, the sum of six hundred dollars, the assessed value of a negro slave named Biddy, condemned and executed according to law : Jesse Carter.

To William W. Smith, administrator of the goods and chattels, rights and credits of Francis M. Smith, deceased, the sum of one hundred dollars, the portion of the assessed value of a slave named Isaac, the property of said administrator, which was allowed to said administrator by the jury, the said slave having been condemned and executed according to law : William W. Smith.

To Bull and Files, the sum of five hundred dollars, being one half of the assessed value of a slave named George, who was condemned and executed according to law : Bull and Files.

To James McMurray, the sum of seven hundred dollars, the assessed value of a slave named Bob, condemned and executed according to law : James McMurray.

To Jesse Ivy, the sum of seven hundred dollars, the assessed value of his negro slave named Charles, condemned and executed according to law : Jesse Ivy.

And to Daniel Long, the sum of eight hundred dollars, the assessed value of his slave named Abram, condemned and executed according to law : Daniel Long.

Sec. 2. *And be it further enacted*, That the said several sums of money shall be paid to the said several persons respectively, out of any moneys in the Treasury, not otherwise appropriated.

Approved, 8th February, 1843.

[No. 294.]

AN ACT

To compensate Daniel M. Forney.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of five hundred dollars be paid Daniel M. Forney, for a house purchased by the State for a State Arsenal.

Sec. 2. *And be it further enacted*, That the Comptroller be authorized to draw his warrant on the treasurer, for the above amount in favor of said Daniel M. Forney.

Approved, 6th February, 1843.

[No. 295.]

AN ACT

To authorize the Commissioners of the Sixteenth Section of township twelve, range four, east, in the Demopolis land district, to rescind a contract therein described.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the duly elected commissioners of the sixteenth section in township twelve, range four, east, in the county of Marengo, be and they are hereby authorized to rescind the contract of sale of that portion of the aforesaid sixteenth section, heretofore made to Alexander Jackson: *Provided*, the said Alexander Jackson assent to the same: *Provided further*, that the said commissioners shall have the unanimous consent of the citizens of said township, before they proceed to rescind said contract.

Sec. 2. *And be it further enacted*, That the said commissioners are hereby authorized upon the rescinding of said contract to surrender to the said Alexander Jackson, the notes executed by him in consideration of said purchase.

Approved, 2d February, 1843.

[No. 296.]

AN ACT

To compensate A. Crozier and Son, for purchasing Weights and Measures for the State, under a contract with the Secretary of State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of eleven hundred and seven dollars and three cents, be and the same is hereby appropriated to pay A. Crozier and Son, for money laid out and expended by them in purchasing weights and measures for the State of Alabama, under a contract with the Secretary of State, and the treasurer is hereby directed to pay the same out of any money in the treasury not otherwise appropriated.

Approved, 12th January, 1843.

[No. 297.]

AN ACT

To compensate Adam Zimmerman for two Slaves executed in pursuance of law.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the Comptroller of Public Accounts be, and he is hereby authorized and required to draw his warrant on the Treasurer, in favor of Adam Zimmerman, for the sum of sixteen hundred dollars and seventy-five cents, as compensation for two negro slaves, called Martin and Abel, executed in pursuance of a sentence of the Circuit Court of Perry county, for murder.

Approved, 2d February, 1843.

[No. 298.]

AN ACT

Authorizing Samuel P. Jones to draw a certain sum of money therein named.

WHEREAS, at the last session of the Legislature, an act was passed, appropriating the sum of one hundred and twenty-five dollars, to the heirs of Leah Fralick, for a slave executed, and there being no particular one mentioned in said act, authorizing the said sum of money to be drawn from the Treasury:—For remedy whereof,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That Samuel P. Jones, one of the heirs of the said Leah Fralick, be, and is hereby authorized to draw the said sum of one hundred and twenty-five dollars, and pay over to each of the other legatees their respective proportions; and the Comptroller of Public Accounts is hereby authorized to issue his warrant on the Treasurer for the same.

\$135 appropriated.

Approved, 2d February, 1843.

[No. 299.]

AN ACT

For the relief of Jedediah Spencer, Administrator of William Spencer, deceased.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of fifteen hundred dollars be, and is hereby appropriated to Jedediah Spencer, administrator of William Spencer, deceased, in payment for two slaves,—the one named Emry, the other named Bill,—who were condemned to death by the judgment of the Circuit Court of Greene county, at the last term of the said Court, and were afterwards duly executed in pursuance of the said judgment; and the same be paid to the said Jedediah Spencer, or his duly authorized agent, out of any moneys in the Treasury not otherwise appropriated.

\$1500 appropriated.

Approved, January 12th, 1843.

[No. 300.]

AN ACT

Explanatory of certain Joint Resolutions therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the second proviso of the third resolve of the Joint Resolutions of the General Assembly of the State of Alabama, approved the twenty-eighth day of December, one thousand eight hundred and forty-one, be construed to apply to purchases made by Isaac Blackwood, with Cornelius Gillespie and H. H. Elliott, securities.

Approved, 6th February, 1843.

[No. 301.]

AN ACT

For the relief of Abel Pool.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the sum of forty-five dollars, be, and the same is hereby appropriated to be paid to Abel Pool, out of any money in the Treasury, not otherwise appropriated, for work and labor done, by order of a resolution of the House of Representatives, requiring the door-keeper to have certain benches made for the lobby of the House of Representatives, in eighteen hundred and forty-one.

Approved, 13th January, 1843.

[No. 302.]

AN ACT

For the relief of Peter Eldridge, Isham C. Browder and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That with the assent of the School Commissioners of section sixteen, in township twelve, range twenty-seven, in Barbour county, made in writing and tested by a Justice of the Peace, the sale of said section, or any part or parts thereof, may be rescinded, and the notes given for the purchase money may be delivered up: *Provided,* the makers, or some one of them, will first pay all costs that may theretofore have accrued by reason of suit thereon: *And provided also,* that such written assent shall specify and set forth, that the sense of the qualified voters in said township had been taken, and that all the voters also assent to such rescission.

Sec. 2. *And be it further enacted,* That all laws, conflicting with the provisions of this act, be, and the same are hereby repealed.

Approved, 11th February, 1843.

(No. 303.)

AN ACT

To set apart from the State Bank a sum to defray the expenses of the Penitentiary for the present year.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Cashier of the Bank of the State of Alabama, be, and he is hereby required to deposit in the Branch Bank, at Montgomery, to the credit of the Warden of the Penitentiary, out of the funds of the State Bank, the sum of eight thousand dollars, and the President of the State Bank, is hereby required to have the said sum of eight thousand dollars, deposited in the said Branch Bank, at Montgomery, by the first day of March next.

Approved, 13th February, 1843.

[304.]

AN ACT

For the relief of a certain person therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That hereafter, in all cases, where it may be necessary for Thomas K. Beck, of Wilcox county, to take and subscribe the oath, or oaths prescribed by law, to prevent the evil practice of duelling, that the said oath or oaths, shall recite that the offences therein prescribed, have not been committed since the first day of January, eighteen hundred and forty-two.

Approved, 30th December, 1843.

[No. 305.]

AN ACT

To compensate Abraham Berry, of the county of Tuscaloosa.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of public accounts, be, and he is hereby authorized, to issue his warrant on the Treasurer, for the sum of fifty dollars, being the amount allowed for keeping and taking care of the tents and camp equipage, of the fifth brigade, second division, Alabama Militia, by appointment of A. P. Bagby.

Sec. 2. *And be it further enacted,* That should the said Abraham Berry fail, to deliver any part of said equipage, to the order of the Executive, which was put in his care, a reasonable deduction is to be made, from this allowance for all deficiencies.

Approved, 10th February, 1843.

[No. 306.]

AN ACT

For the relief of Ephraim Pharr and Thomas K. Beck.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That on making satisfactory proof that full payment has been made for the same, the Governor be and he is hereby authorized to issue to Ephraim Pharr and Thomas K. Beck, ^{Ephraim Pharr and T. K. Beck.} patents for the following described lots, or parcels of land, viz: lot number forty-nine, containing fifteen acres, three rods and thirty-nine poles: lot number twenty-six containing seven acres, two roods and ten poles; lot number twenty-nine containing three acres and one rood; lot number twenty-one containing nine square poles, also the north east quarter of the north west quarter, and the north west quarter of the north west quarter, all being part and parcel of the sixteen h section, of fractional township twenty-two, range two, east, in Talladega county, situated in and adjacent to the town of Franklin, commonly known as the Talladega Springs.

Approved, 9th February, 1843.

[No. 307.]

AN ACT

For the relief of a certain individual therein named.

Jacob Lacey.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That from and after the passage of this act, a free man of color, by the name of Jacob Lacey, be, and he is hereby authorized to reside with his family, in the county of Lauderdale, in this State, any law to the contrary notwithstanding: *Provided*, that the said Lacey shall give bond, with sufficient security, approved of by the Judge of the County Court of Lauderdale county, by whom said bond shall be taken, payable to the Governor, or his successors in office, in the sum of one thousand dollars, conditioned for the good behavior of said Lacey, during his residence in this State, and that he shall not become a public charge to any city, county or town in the State of Alabama.

Approved, February 11th, 1843.

[No. 308.]

AN ACT.

To extend, for a limited time, the indebtedness of the purchasers of the Sixteenth Section, Township Nineteen, Range Seven.

Indebtedness
divided into
six annual in-
stalments.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the President and Directors of the Bank of the State of Alabama be, and they are hereby authorized and required to divide the indebtedness of the several purchasers of the sixteenth section, in township nineteen, range seven, east, in the county of Perry, into six equal annual instalments, drawing interest at the rate of six per cent. per annum, from date, such purchaser giving security that shall be approved of by the commissioners of the aforesaid township, and by them recommended to the President and Directors of the Bank, and executing a power of attorney to said Bank, to confess judgment for the whole amount then due, with interest, in default of payment of any of said instalments, and the interest thereon, as the same may become due: *Provided*, that the purchasers of the above described section, shall have paid up all the interest that may have become due previous to the passage of this act, and shall produce the certificate of the commissioners of the fact, before they shall be entitled to the provisions of this act.

Proviso

Securities.

Sec. 2. *And be it further enacted,* That if, at any time, the commissioners shall be of opinion that the securities or security of any of said purchasers, is insufficient or unsafe, it shall be their duty to notify the President and Directors of said Bank, and they shall require said purchaser or purchasers to give such other security as may be satisfactory to the commissioners and to the Bank, and in case of failure or refusal to give such additional

security, the whole of his or their debt shall become due, and the said Bank shall proceed to collect the same, by virtue of the power of attorney mentioned in the first section of this act.

Sec. 3. *And be it further enacted*, That the provisions of this act shall apply to the purchasers of the sixteenth section, in township seven, of range twenty-eight, in the county of Henry.

Sec. 4. *And be it further enacted*, That all the provisions of this act shall extend to, and be applied in favor of the purchasers of the school lands in township nineteen, range twenty-seven, in Russell county; also, in favor of the purchasers of the school lands in township fifteen, of range seventeen, and township fourteen, of range eighteen, in the county of Montgomery; also, in favor of the purchasers of school lands in township nine, of range nine, in Monroe county.

Approved, January 23d, 1843.

(No. 309.)

AN ACT

For the benefit of the Sixteenth Section, township sixteen, range twelve, Dallas County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the commissioners of said sixteenth section, be and they are hereby authorized to hold an election at the house of Stephen Frederick, on the first Monday in April next, to ascertain the wishes of the inhabitants of said township, as to payment for the school house therein, out of the same sixteenth section fund, and should a majority of the qualified voters in said township, be in favor of applying the sum of seven hundred dollars to the payment of said school house, the commissioners aforesaid shall be and they are hereby authorized to draw from the Branch Bank, where the same may be deposited, that amount, and apply it to the payment of building said school house, any law to the contrary notwithstanding: *Provided*, that the principal sum deposited with the Bank, shall not be diminished by the appropriation under this act: *Provided*, that the title to the lot of land on which said house may be erected, shall first be secured to the school commissioners of said township, and their successors in office, to be held for the use and benefit of the said township.

Commissioners to hold election.

Provisos.

Sec. 2. *And be it further enacted*, That it shall be the duty of the said commissioners to give ten days previous notice of said election, at three of the most public places in the township, of the time and place of holding the same, and within ten days after the election, shall make due return thereof, with the names of the persons voting, to the clerk of the county court of Dallas county, to be by him filed and kept.

Notice to be given of said election.

Approved, 11th February, 1843.

[No. 310.]

AN ACT

To authorize an investment of the School Fund of township four, range three, in the County of Limestone.

Commission-
ers to hold
election.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the school commissioners of township four, range three, in the county of Limestone, shall, after giving thirty days notice of the time and place, cause an election to be held at some convenient place in said township to take the sense of the qualified electors thereof, as to whether they are in favor of, or opposed to a re-investment in lands of the sixteenth section fund, and the managers of said election, shall cause each voter to endorse on his ticket the word "investment" or "no investment."

To advertise
proposals for
sale of land.

Sec. 2. *And be it further enacted,* That if it shall be found by said election, that a majority of all the qualified electors of the township, are in favor of a re-investment of the school fund, then it shall be the duty of the commissioners of said township, to advertise for three months, that they will receive proposals until a stated day, for the sale of any lands in said township, for cash. and at the expiration of the time, they shall make such purchase as they may deem most advantageous for the township, and shall take deeds of conveyance for said lands to themselves and their successors in office, in perpetuity, to be held for the use and benefit of the inhabitants of said township in the same manner as was the sixteenth section previous to the sale thereof.

Decatur Br'h
Bank to pay
over fund.

Sec. 3. *And be it further enacted,* That on application of said commissioners, the Cashier of the Branch of the Bank of the State of Alabama at Decatur, shall pay over the sixteenth section fund of said township, or such part thereof as may be necessary to carry into effect the provisions of this act.

Approved, 27th February, 1843.

[No. 311.]

AN ACT

To compensate Henry Farrer for a slave, executed in pursuance of law.

§ 150 appro-
priated.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Comptroller of public accounts, be and he is hereby authorized and required to draw his warrant on the treasurer in favor of Henry Farrer, for four hundred and fifty dollars as compensation for a negro called Jack, executed in pursuance of a sentence of the Circuit Court of Perry county, for murder.

Approved, 22d December, 1842.

[No. 312.]

AN ACT

For the relief of Joseph Lowry and others.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the commissioners of the sixteenth section, township nineteen, range two, east, be, and they are hereby authorized and required to pay to those citizens residing in Sumter county, who sent to school in said township, for the year one thousand eight hundred and forty-one, to Joseph Lowry, that portion of the proceeds arising from the sale of said sixteenth section, to which they were entitled for the benefit of said Lowry, in the same manner as if the said Lowry had been examined and received as a teacher according to act of Assembly, upon the presenting of proper certificates of such services having been rendered by said Lowry, any law to the contrary notwithstanding.

Approved, January 27th, 1843.

[No. 313.]

AN ACT

Authorizing the Judge of the County Court of the County of Lowndes, to sell certain lands, the property of Robert C. and Matilda F. Beattie, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That the Judge of the County Court of Lowndes county, on the petition of Benjamin Wyche Walker, praying the sale of the real estate in said county, of his wards, Robert C. and Matilda F. Beattie, setting forth that said lands are not contiguous, nor susceptible of equitable divisions of value and of ready sale, on being satisfied of the truth thereof, shall order the sale of said lands, which shall take place, and be regulated by the laws now in force relative to lands sold to effect an equitable distribution. Judge may sell lands.

Sec. 2. *And be it further enacted,* That said Judge may, and he is hereby authorized to grant authority to said Benjamin Wyche Walker to vest the funds arising from said sale in other lands, and in slaves, for the use of his said wards. Funds to be vested.

Sec. 3. *And be it further enacted,* That the said real and personal estate, so purchased by said Benjamin Wyche Walker, shall be returned to the Judge of the County Court of Lowndes county, for the proper guardianship over which, said Walker shall give such bond as the said Judge may think is proper to require. Guardianship.

Sec. 4. *And be it further enacted,* That the provisions of this act be, and the same are hereby extended to the Judge of the County Court of Marengo county, to authorize him to direct the sale of a certain tract of land, the property of the heirs of Henry Drummond, deceased, lying near the University of Alabama. Marengo.

Approved, 7th February, 1843.

[No. 314.]

AN ACT

Providing for the payment of interest on the purchase money of section sixteen, township nineteen, range five, east, in Talladega County.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the Cashier of the Branch of the Bank of the State of Alabama at Montgomery be, and he is hereby authorized and required to receive, from the purchasers of section sixteen, township nineteen, range five, east, in Talladega county, the amount of interest due on said notes, and to take new notes for the value of purchase money, to be paid at the rate of twenty per centum per annum, from the first of January, eighteen hundred and forty-three, with the annual interest on the same.

Sec. 2. *And be it further enacted,* That said Cashier shall annually pay over said amount of interest annually accruing, to said commissioners, any law to the contrary notwithstanding.

Approved, 4th February, 1843.

[No. 315]

AN ACT

For the relief of the purchasers of a portion of the Sixteenth Section, in Township Seventeen, Range Two, East, in the County of Marengo.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That it shall and may be lawful for the President and Directors of the Bank of the State of Alabama, to receive the notes of Levin B. Lane, John S. Thompson and Alexander Sledge, in lieu and in payment of a judgment obtained against the representatives and securities of Needham Bryan, deceased, for and in consideration of having purchased a portion of the sixteenth section, in township seventeen, range two, east, in the county of Marengo; and that said notes, taken by said President and Directors, may be given, payable one, two, three and four years after date, with interest thereon at the rate of six per cent. per annum, from the date thereof until paid: *Provided,* that said Lane shall first pay all the interest that may now be due, and all the costs that may have accrued: *And provided further,* that said notes shall only be taken by the desire and consent of the commissioners of said sixteenth section.

Approved, January 30th, 1843.

[No. 316.]

AN ACT

For the relief of the purchasers of Sixteenth Sections.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened,* That whenever a sale has been made of a sixteenth section, or part thereof, and such sale cannot, by reason of the insolvency of the purchaser or purchasers, or from other cause, be

Notes to be
received in
payment of
judgment.

Provisos.

made productive, a majority of the voters of said township, voting in township meeting, upon due notice given, shall have power, with the assent of the purchaser or purchasers, to annul or cancel the contract of sale for said section, or any lot or parcel thereof, which is not likely to be productive; and shall have power, furthermore, to re-sell, rent or lease the same, as if no sale had ever been made, any law to the contrary notwithstanding: *Provided*, that no money shall be paid back to the first purchaser or purchasers, whose contract shall be cancelled by virtue of this act.

Approved, February 13th, 1843.

[No. 317.]

AN ACT

Making Appropriations for the payment of certain Claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several sums of money hereinafter mentioned, be, and the same are hereby appropriated, to the several persons respectively hereinafter mentioned: that is to say,

To Richard Taylor, jailer of Chambers county, the sum of one hundred and twenty-two dollars and forty cents, for keeping prisoners: R. Taylor.

To John Boling, jailer of Butler county, the sum of seventy-eight dollars and sixty cents, for keeping State prisoners: J. Boling.

To E. M. Stephens, jailer of Perry county, the sum of ninety-eight dollars and ninety cents, for keeping State prisoners: E. M. Stephens.

To James Odell, jailer of Limestone county, the sum of thirty-eight dollars and forty cents, for keeping Robert McKinney, a State prisoner: J. Odell.

To Richard Taylor, jailer of Chambers county, the sum of two hundred and thirty-two dollars and eighty cents, for keeping State prisoners: R. Taylor.

To V. M. Benham, sheriff of Lauderdale county, the sum of one hundred and eighty-five dollars and ten cents, for keeping State prisoners: V. M. Benham.

To John B. Dixon, sheriff of Covington county, the sum of twenty-six dollars and fifty cents, for services of himself and guard in conveying John Raybun, a State prisoner, from Montezuma to Hayneville, on a change of venue: J. B. Dixon.

To Benjamin T. Blasingame, jailer of Russell county, the sum of eighty-two dollars, for keeping State prisoners: B. T. Blasingame.

To John Scott, jailer of Jefferson county, the sum of twenty-four dollars, for keeping State prisoners: J. Scott.

To William R. Hunt, jailer of Madison county, the sum of one hundred dollars and forty cents, for keeping State prisoners: W. R. Hunt.

- J. R. Powell. To James R. Powell, sheriff of Coosa county, the sum of eighty-five dollars and twenty-five cents, for keeping State prisoners:
- L. Stallings. To Lunsford Stallings, jailer of Cherokee county, the sum of eighteen dollars and eighty cents, for keeping State prisoners:
- W. Black. To William Black, jailer of Marshall county, the sum of sixty-five dollars and eighty cents, for keeping State prisoners:
- J. M. Boggs. To John M. Boggs, jailer of Barbour county, the sum of sixty-two dollars and forty cents, for keeping State prisoners:
- J. McRea. To John McRea, sheriff of Barbour county, the sum of two hundred and five dollars and forty-five cents, for services of himself and guards in removing State prisoners:
- C. C. Gewin. To C. C. Gewin, sheriff of Lawrence county, the sum of three hundred and seventy-two dollars and sixty-five cents, for keeping State prisoners:
- J. C. Locke. To James C. Locke, late sheriff of Greene county, the sum of one hundred and sixty-four dollars and forty cents, for keeping State prisoners:
- Y. Mann. To Young Mann, sheriff of Henry county, the sum of twenty-six dollars and seventy-five cents, for services in removing Tryon Beal, a State prisoner:
- W. Kellam. To Willis Kellam, late sheriff of Chambers county, the sum of twenty dollars, for services in relation to John Faulkner, a State prisoner:
- J. M. Lewis. To Jesse M. Lewis, jailer of Talladega county, the sum of ninety-four dollars, for keeping Richard Finney, a State prisoner:
- W. Miller. To William Miller, jailer of Talladega county, the sum of thirty-six dollars and eighty cents, for keeping Charles McClung, a State prisoner:
- H. I. Scott. To Henry I. Scott, jailer of Jackson county, the sum of one hundred and seven dollars and twenty cents, for keeping Timothy Mershon, a State prisoner:
- L. Robertson. To L. Robertson, jailer of Conecuh county, the sum of eight dollars, for keeping Greenberry Lee, a State prisoner:
- P. B. Waters. To P. B. Waters, sheriff of Butler county, the sum of ten dollars and fifty cents, for services in removing John Willis, a State prisoner, on change of venue:
- J. R. Coffee. To John R. Coffee, sheriff of Jackson county, the sum of two hundred and sixty-two dollars and eighty-two cents, for keeping State prisoners:
- H. P. Caffey. To Hugh P. Caffey, jailer of Montgomery county, the sum of eight hundred and eighty dollars and twenty-five cents, for keeping State prisoners:
- A. G. Carter. To A. G. Carter, jailer of Dale county, the sum of twenty-five dollars and eighty cents, for keeping State prisoners:
- C. J. Gully. To Calvin J. Gully, sheriff of Greene county, the sum of ninety-three dollars and eighty-five cents, for services in keeping State prisoners:

To George Huggins, sheriff of Mobile county, the sum of three thousand one hundred and six dollars and thirty cents, for keeping State prisoners: G. Huggins.

To William R. Blackshear, sheriff of Henry county, the sum of ninety dollars and fifty-six cents, for keeping State prisoners: W. R. Blackshear.

To Benjamin F. Randall, sheriff of Shelby county, the sum of thirty dollars, for services of himself and guards in relation to Richard Tinny, a State prisoner: B. F. Randall.

To Lunsford Stallings, deputy sheriff of Cherokee county, the sum of forty-five dollars and seventy-two cents, for services of himself and guards in removing State prisoners on writs of *habeas corpus*: L. Stallings.

To David Chandler, sheriff of Perry county, the sum of fifty dollars and ten cents, for services in relation to sundry slaves convicted of murder: D. Chandler.

To Fielding Snow, jailer of Benton county, the sum of one hundred and twenty-five dollars and sixty cents, for keeping State prisoners: F. Snow.

To William Chandler, jailer of Perry county, the sum of one hundred and twenty-one dollars and twenty-five cents, for keeping State prisoners: W. Chandler.

To Legneal M. Smith, jailer of Coosa county, the sum of one hundred and twenty-two dollars and eighty cents, for keeping State prisoners: L. M. Smith.

To Samuel Stephens, jailer of Franklin county, the sum of three hundred and sixty-eight dollars and fifty cents, for keeping State prisoners: S. Stephens.

To Nathan F. Sparks, jailer of Tallapoosa county, the sum of twenty dollars and eighty cents, for keeping State prisoners: N. F. Sparks.

To Lafayette Robertson, jailer of Conecuh county, the sum of ninety-five dollars and forty-five cents, for keeping State prisoners: L. Robertson.

To Lafayette Robertson, jailer of Conecuh county, the sum of twenty-four dollars, for keeping Jesse Brandon, a State prisoner:

To Abram Jackson, coroner of Macon county, the sum of sixteen dollars, for services and expenses in executing a convict: A. Jackson.

To W. P. Pettus, sheriff of Lauderdale county, the sum of thirty-four dollars and forty cents, for keeping a State prisoner: W. P. Pettus.

To Dixon Hestle, sheriff of Monroe county, the sum of two hundred and ninety-eight dollars and twenty cents, for keeping State prisoners: D. Hestle.

To Stephenson & Gallaway, the sum of thirty dollars, for inserting in the Mercury, the law to prevent frauds in elections: Stephenson & Gallaway.

To Dennis Dykous, the sum of thirty dollars, for advertising in the Marion Herald, the law to prevent frauds in elections: D. Dykous.

To Philip Woodson, jr., the sum of thirty dollars, for advertising in the Democrat, the law to prevent frauds in elections: P. Woodson.

- J. F. Grant. To J. F. Grant, the sum of thirty dollars, for advertising in the Jacksonville Republican, the law to prevent frauds in elections:
- G. Yancy. To Charles Yancy, the sum of thirty dollars, for advertising in the Alabama Times, the law to prevent frauds in elections:
- J. K. Stephens. To J. K. Stephens, the sum of thirty dollars, for advertising in the Cahawba Democrat, the law to prevent frauds in elections:
- B. Gardner. To Benjamin Gardner, the sum of thirty dollars, for advertising in the Southern Shield, the law to prevent frauds in elections:
- W. L. Yancy. To William L. Yancy, the sum of thirty dollars, for advertising in the Wetumpka Argus, the law to prevent frauds in elections:
- J. F. Henderson. To John F. Henderson, the sum of thirty dollars, for advertising in the Southerner, the law to prevent frauds in elections:
- E. W. Thompson. To E. W. Thompson, the sum of thirty dollars, for advertising the law to prevent frauds in elections:
- A. C. Matthews. To A. C. Matthews, the sum of thirty dollars, for advertising in the Franklin Democrat, the law to prevent frauds in elections:
- L. J. Galloway. To Levi J. Galloway, the sum of thirty dollars for advertizing in the Moulton Advertizer, the law to prevent frauds in elections.
- T. Pearsall. To Thomas Pearsall, the sum of thirty dollars for advertising in the Florence Gazette, the law to prevent frauds in elections:
- T. H. Wilson. To Thomas H. Wilson, the sum of thirty dollars for advertising in the Alabama Statesman, the law to prevent frauds in elections:
- W. Chalmers. To William Chalmers, the sum of thirty dollars for advertising the law to prevent frauds in elections.
- J. A. C. Eaton. To J. A. C. Eaton, the sum of thirty dollars for advertising in the Jackson County Democrat, the law to prevent frauds in elections:
- T. DeWolf. To Thomas De Wolf, the sum of thirty dollars for advertising in the Marengo Jeffersonian, the law to prevent frauds in elections:
- J. Griffin. To John Griffin the sum of eighty-four dollars, for distributing weights and measures.
- S. J. Chapman and P. T. Tannihill. To Simeon J. Chapman and Pleasant T. Tannihill the sum of ten dollars for prosecuting a slave named Dick.
- J. Brown. To John Brown the sum of twenty-nine dollars for guarding and removing two State prisoners:
- A. Lynch. To Augustin Lynch the sum of one hundred and forty dollars and twelve cents, for making and repairing furniture for the State House:
- H. C. Carter. To H. C. Carter the sum of fifty dollars and ninety-five cents for services of himself and guards in removing Greenberry Pile, a State prisoner:

To L. T. Thuston the sum of thirty dollars for prosecuting L. T. Thuston three slaves.

To L. B. Granger the sum of forty-four dollars, for work L. B. Granger done in and about the capitol.

To A. B. Davis the sum of twenty-nine dollars and seven- A. B. Davis. teen cents for services of himself and guards in guarding State prisoners.

To Emily Fitts the sum of five dollars and fifty cents for E. Fitts. work done about the capitol:

To John D. Bowen the sum of ten dollars for prosecuting a J. D. Bowen. slave named Dick.

To William F. Deslion the sum of fourteen dollars and fifty W. F. Deslion cents for services in conveying State prisoners.

To Edwin G. Thornton the sum of four hundred and thirty E. G. Thorn- eight dollars for services and expenses in bringing a criminal ton. * from the State of Missouri.

To Henry Hellam the sum of fifteen dollars for carrying H. Hellam. election returns from La Fayette to Montgomery.

To Dixon Hestle, jailer, of Marion county, the sum of six D. Hestle. dollars, for keeping Edward Forbes a State prisoner:

To William Cleaver, sheriff of Clarke county, the sum of ten W. Cleaver. dollars for executing Henry Eaton, a convict:

To Matthew W. Lindsay the sum of ten dollars for prosecut- M M Lindsay. ing a slave named Andy:

To Horatio G. P. Britton the sum of seven hundred dollars H G P Britton for the assessed value of a slave named Andy, executed accord- ing to law.

To W. W. Smith, the administrator of Francis M. Smith, deceas- W W Smith. ed, the sum of eighty-seven dollars and fifty cents, part of the as- sessed value of a slave named Mary, executed according to law:

To Stephen Sparks the sum of ninety-eight dollars for servi- S Sparks. ces, a special sergeant at arms.

To William Long the sum of ninety-two dollars and twen- W Long. ty-seven cents, for services and expenses in bringing a criminal from Florida by order of the Governor.

To Thomas P. Mitchell and William M. Montgomery, the T P Mitchell and W M sum of fifty-two dollars each, for services rendered the joint ex- Montgomery. amining committee at this session.

To Samuel Peete, Edwin R. Wallace, and Alexander B. S Peete, E R Meek, the sum of two hundred dollars each, for services ren- Wallace and A B Meek. dered as commissioners in examining Clay's Digest.

To Lunsford Stallings, deputy sheriff of Cherokee county L Stallings. the sum of forty-five dollars and sixty-two and a half cents, for conveying prisoners, &c., under writ of *habeas corpus*.

Sec. 2. *And be it further enacted*, That the several sums of money hereinafter mentioned be and the same are hereby ap- propriated to the several persons hereinafter mentioned, that is to say,

- R Casly. To Robert Casly, sheriff of Randolph county, the sum of twenty-four dollars and twenty-five cents, for expenses incurred in conveying Calvin Stewart, on a writ of *habeas corpus* to the county of Talladega.
- T Harrison. To Thomas Harrison the sum of one hundred and fifty dollars for taking care of the State capitol, &c., for the year, one thousand eight hundred and forty-two.
- B D Cook. To B. D. Cook, sheriff of Cherokee county, the sum of thirty-one and fifty-hundredths dollars, for expenses incurred in apprehending H. C. Runalds, charged with larceny.
- D H Trott. To David H. Trott the sum of thirty dollars for advertising in the Sumter County Whig, the act to prevent frauds in elections:
- G W Megginson. To G. W. Megginson of Clarke county, the sum of fifty-five dollars for like services:
- N McDonald. To Neil McDonald, clerk of the circuit court of Barbour county, the sum of ten and ninety-three-hundredths dollars, for transcript of a record, to be used as evidence in the impeachment of Judge Boothe.
- G W Williams. To G. W. Williams the sum of twenty dollars, his per diem as a witness in the impeachment of Judge Boothe:
- Y Mann. To Young Mann the sum of forty-eight and seventy-five-hundredths dollars, for like services:
- D B Rider. To D. B. Rider the sum of forty-two and seventy-five-hundredths dollars, for like services:
- J Allen. To Joseph Allen, sheriff of Walker county, the sum of forty-one and nineteen-hundredths dollars, for expenses incurred in conveying David Garrison to the jail of Tuscaloosa county:
- H Tuttle. To Henry Tuttle, sheriff of Walker county, the sum of one hundred and one dollars and eighty-eight cents, for expenses incurred in conveying Austin Tilley, William Warren, Peter Jones, and James Abell, from Tuscaloosa to Walker county:
- R W Barber. To R. W. Barber, jailer of Tuscaloosa county, the sum of one hundred and seventy-four dollars, for victualing sundry persons confined in said jail.
- R H Poe. To R. H. Poe, sheriff of Fayette county, the sum of seven and sixty-hundredths dollars for victualing prisoners in said jail:
- T P Simmons. To Thomas P. Simmons, jailer of Lowndes county, the sum of four hundred and sixty-six dollars and thirty-five cents, for victualing sundry persons confined in said jail:
- G W Erwin. To G. W. Erwin of Tuscaloosa county, the sum of six and eighty-seven-hundredths dollars, for work done on State capitol:
- D F Brown. To D. F. Brown of Greene county, the sum of twenty-three dollars, for advertising in the Greensborough Sentinel, by order of Governor Gayle:
- B Hogan. To John B. Hogan the sum of ten dollars and seventy-five cents, being the amount of postage paid by him as chairman

of the State Bank committee, on public documents, during the session of one thousand eight hundred and forty-one and one thousand eight hundred and forty-two:

To A. R. Thomas the sum of ten dollars for illuminating the State capitol on the eighth of January, one thousand eight hundred and forty-three: A R Thomas

To Hogan and Lyon the sum of twenty-eight and sixty-six-hundredths dollars, for stationery furnished the General Assembly at the present session. Hogan & Lyon.

To Reese Parker the sum of twenty-four dollars and seventy-five cents, for fuel furnished the present General Assembly: R Parker.

To John S. Fitch the sum of five dollars, for making one hundred and ten candle bearers, for illuminating the State capitol on the eighth of January, eighteen hundred and forty-three: J S Fitch.

To Robert N. Weire the sum of fifty-seven dollars for servant hire at the present session of the General Assembly, and also the further sum of eleven dollars for servant hire, at the called session of one thousand eight hundred and forty-one: R N Weire

To Joel White the sum of three hundred and thirty-three dollars and thirty-three cents for stationery furnished the different departments of State: J White

To White and Snow the sum of two hundred and fifty two and sixty-two-hundredths dollars for stationery furnished the departments of State: White & Snow

To William Jennings, jailer of Tuscaloosa county, the sum of forty-six and fifty-hundredths dollars, for victualing prisoners confined in said jail: W Jennings

To Houston and Davis the sum of thirty dollars for publishing in the Eutaw Whig, the act to prevent frauds in elections. Houston & Davis

Sec. 3. *And be it further enacted*, That the Comptroller of public accounts, be and he is hereby authorized and required to issue his warrants on the State Treasurer in favor of the said several persons, respectively, for the said several sums of money hereby appropriated to them respectively, and the same shall be paid out of any monies in the Treasury not otherwise appropriated.

Approved, 11th February, 1843.

[No. 318]

AN ACT

Making appropriations to certain persons therein named.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the sum of eighty-seven dollars and fifty cents, be, and the same T Bruce is hereby appropriated to the payment of Thomas Bruce, for his expenses incurred in apprehending and prosecuting to conviction, one William Hall, for grand larceny, and that the Comptroller

of Public Accounts, be required to draw his warrant upon the Treasurer, in favor of said Bruce, for the aforesaid sum, to be paid out of any money in the Treasury, not otherwise appropriated.

Sec. 2. *And be it further enacted*, That the sums hereinafter mentioned, be and the same is hereby appropriated to the following named persons, to wit:

W Jennings

To William Jennings, Jailor of the county of Tuscaloosa, forty dollars for victualing David Garrison, a States' prisoner, confined in said jail:

R Parker

To Reese Parker, the sum of fifteen dollars, for fuel furnished the present General Assembly.

V Hart

To V. Hart, the sum of one dollar and fifty cents, for articles furnished for the use of the present General Assembly:

White &
Snow

To White & Snow, the sum of sixteen dollars and seventy-five cents, for stationery, furnished the present General Assembly:

N Terry

To Nathaniel Terry, the sum of twenty dollars, for postage paid by him on public documents during the session of the General Assembly, eighteen hundred and forty-one and two; and eighteen hundred and forty-two and three:

A R Thomas

To A. R. Thomas, the sum of fifteen dollars, for servant hire, during the present session of the General Assembly:

T L Toulmin

To T. L. Toulmin, the sum of seven dollars, for postage paid by him as Chairman of the Committee on the State Bank, on public documents:

J Savage

To James Savage, Jailor of Clarke county, the sum of two hundred and forty dollars, and forty-six cents, for victualing sundry persons confined in said jail; all of which are to be paid out of any money now in the Treasury not otherwise appropriated, and the Comptroller will issue his warrant accordingly.

Approved, 14th February, 1843.

[No. 319.]

AN ACT

To make appropriations for the payment of certain claims against the State.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the several sums of money hereinafter mentioned, be, and they are hereby appropriated to the several persons hereinafter mentioned respectively, that is to say:

B J Quarles

To B. J. Quarles, the sum of four dollars, for repairing lock and keys:

J T Quarles

To James T. Quarles, the sum of five dollars, for two pair of hinges:

T P Alston

To Thomas P. Alston, Jailor of Sumter county, the sum of thirteen dollars and sixty-five cents, for keeping State prisoners:

To Augustin Lynch, the sum of fifty dollars and twenty-five cents, for work done about furniture in the State house, in December, eighteen hundred and forty-two: A Lynch

To Augustin Lynch, the sum of six dollars and fifty cents, for work done on furniture in the State house, in January and February, eighteen hundred and forty-three: A Lynch

To John T. Haraway, the sum of thirty dollars, for publishing in the Florence Enquirer, the act to prevent frauds in elections: J T Haraway

To Evans, Woodward & Co. the sum of thirty dollars, for publishing in the Democratic Watchtower, the act to prevent frauds in elections: Evans, Woodward & Co

To Kenneth Kelly, the sum of forty dollars, for prosecuting four slaves, to wit: John, Albert, Randall and George, in Marengo county: K, Kelly

To Thomas Fitzsimmons, the sum of fifteen dollars, for two well buckets, and repairing well house at the capital: T Fitzsimmons

To Hogan & Lyon, the sum of one hundred and eight dollars and forty nine cents, for articles purchased for the use of the Senate and House of Representatives: Hogan & Lyon

To Josiah S. Kennedy, the sum of thirty-two dollars and thirty cents, for removing Stephen R. Rennet, a State prisoner: J S Kennedy

To George W. Erwin, the sum of ten dollars, for repairing fire place in the Hall of the House of Representatives: G W Erwin

To J. Lacy & Co. the sum of eighty-four dollars and fifty cents, for record books and stationery, furnished for the Supreme Court: J Lacy & Co

To Warren Allen, the sum of eleven dollars and twenty cents, for removing a State prisoner: W Allen

To William Braly, late sheriff of Tuscaloosa county, the sum of two hundred and ninety-six dollars and eighty-five cents, for attending the Supreme Court, and articles purchased for the use of the court: W Braly

To C. C. Gewin, sheriff of Lawrence county, the sum of seventy-three dollars and sixty cents, for keeping Enoch Wilson, a State prisoner: C C Gewin

To Oliver Keene, the sum of one hundred and sixty-nine dollars and fifty cents, for wood furnished for the Legislature: O Keene

To James H. Owen, the sum of ninety-two dollars and fifty cents, for servant hire for the Legislature, during the present session: J H Owen

To Daniel Cribbs, sheriff of Tuscaloosa county, the sum of one hundred and twenty-six dollars, for attending on the Supreme court, and for coal furnished for the same: D Cribbs

To James H. Owen, the sum of ten dollars, for black sand, furnished for the use of the House of Representatives: J H Owen

To Moses H. Hughes, sheriff of Cherokee county, the sum of fifteen dollars and forty cents, for victualing State prisoners: M H Hughes

J H Owen To James H. Owen, the sum of ten dollars, for services to be rendered in collecting and depositing with the Secretary of State, the surplus of stationery, furnished for the use of the General Assembly:

W F Meares To William F. Meares, deputy sheriff of Cherokee county, the sum of sixteen dollars, for services in removing Joseph Moore, a State prisoner.

Sec. 2. *And be it further enacted*, That the Treasurer of the State, be, and is hereby authorized and required to pay the said several sums of money, to the said persons respectively, out of any money in the Treasury, not otherwise appropriated.

Approved, 14th February, 1843.

JOINT RESOLUTIONS AND MEMORIALS.

JOINT MEMORIAL AND RESOLUTIONS

In regard to the Muscle Shoals Canal, in the County of Lauderdale.

To the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the General Assembly of the State of Alabama, most respectfully represents, that the Muscle Shoals Canal, lately constructed on the Tennessee river, in the county of Lauderdale, of the State of Alabama, has been so torn up and impaired by the freshets of the last two springs, that it will require a large amount of money to repair it, and make it subservient to the beneficial ends for which it was originally designed; that it is now in a state of lamentable dilapidation, and will shortly be very materially injured, if some timely steps are not taken to prevent it; that all the means hitherto appropriated by Congress have been applied; that there are many claims against the Commissioners still unsettled, and there are no funds remaining of the original appropriation made by Congress, to pay the same, which justice requires should be paid in some manner.

The Memorial further represents, that one of the great causes of the damages sustained by said canal, may be justly attributed to the bad construction recommended by the United States Engineer, as well as to the gross dereliction of the duty of those who have had the same in charge, such as neglecting, during freshets, to draw off the water through locks, not opening floodgates, &c. And your memorialists confidently believe, that so long as it remains a public work, and under the control of men who have no interest in its preservation and its prosperity, so long will it be both an expense to the government, and a nuisance to the surrounding country; and that the only way in which it can be made profitable to its owners, and useful to the country, is to relinquish it to the State of Alabama, without terms or restrictions, save the right of free passage of all public freighting, whether belonging to the General Government, or any one of the States.

Your memorialists further represent, that a great deal of money has been expended in its establishment, but that it is not yet extended to a length

sufficient to surround the shoals in said river, so as to receive boats at all seasons of the year; that all North Alabama, and all the southern part of East Tennessee, feel a deep interest in its completion and reparation; that the commercial interests of these sections of country would be incalculably enhanced, if it were kept continually passable; and inasmuch as it is clearly manifest, that its utility will never be developed, so long as it remains a public work, and the great ends for which it was designed will remain unaccomplished; and inasmuch as the small income (if indeed any there would be) would be nothing, when compared with the facilities it would afford the community, if properly and judiciously managed, your memorialists confidently hope that it will be surrendered by the General Government to the State of Alabama, with a view that it may be disposed of in such a manner as may best consult the general good of those portions of the country interested:—Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That our Senators in Congress be instructed, and our Representatives be requested, to procure the enactment of a law, in accordance with the foregoing memorial.

And be it further Resolved, That his Excellency the Governor be required to transmit a copy of the foregoing Memorial and Resolutions to each of our Senators and Representatives in Congress forthwith.

Approved, February 14th, 1843.

JOINT RESOLUTIONS

Of the Senate and House of Representatives of the State of Alabama in General Assembly convened, in regard to the Expense Accounts of the Bank of the State of Alabama, and its Branches.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor may appoint, at any time after the twentieth of February, instant, for the examination of the Bank of the State of Alabama, and its several Branches, the Commissioners provided for under the act to provide for the examination of the Bank of the State of Alabama, and its several Branches, approved January twelfth, one thousand eight hundred and thirty-three: and the said Commissioners shall be authorized to make an examination of the Expense Accounts, of every kind and description, of the said Bank and Branches, since the first day of January, one thousand eight hundred and thirty-five, and to determine upon the legality of each and every item of expenditure; and any circumstances of an equitable nature, to extenuate the conduct of any Board of President and Directors for such illegal expenditure; and for this purpose, the said Commissioners may collect testimony, and the said Commissioners shall report the names of all persons liable to the Banks for such illegal expenditures.

And the Governor is hereby authorized, upon a consideration of the said reports, and upon giving full effect to all circumstances of an equitable

character, to direct the institution of suits for the recovery of all the moneys that have been illegally expended, and which, in his judgment, had no sufficient cause. And no original notes or bills of exchange, discounted or purchased by the Branch Bank at Mobile, since the meeting of this present General Assembly, shall be extended; and all allowances and appropriations made by said Branch Bank, since the time last aforesaid, are hereby declared illegal, and the Governor shall order suit to be instituted for the recovery of such allowances or appropriations.

Approved, 14th February, 1843.

JOINT RESOLUTION

In relation to the Salt Wells and Salt Springs belonging to the State of Alabama.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Governor be, and he is hereby authorized, after obtaining the necessary information in relation to the salt springs and wells belonging to the State, to farm them out to the best advantage, and take the necessary bonds and security for the proper working and care of the same.

Approved, 13th February, 1843.

JOINT RESOLUTIONS

Relative to the Branches of the Bank of the State of Alabama, at Mobile and at Decatur.

WHEREAS, it is in contemplation by the Legislature, to place in liquidation, the Branches of the State Bank, at Mobile, and at Decatur; therefore with a view to this object,

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the powers of the Branches of the Bank of the State of Alabama, at Mobile, and at Decatur, to lend money on bills and notes, and making settlements with the debtors of the said Branch Banks, by receiving real or personal property, in payment of debts, be, and the same are hereby suspended, until otherwise directed by the Legislature: *Provided, however,* that nothing herein contained, shall be so construed, as to prevent the President and Directors from receiving all monies which may be offered in full or partial payment of said bills or notes, due said Branch Banks.

Sec. 2. *And be it further resolved,* That the Secretary of State, be required immediately, to transmit by mail, a copy of the foregoing resolution, to the President and Directors of said Branch Banks: *Provided, however,* that nothing herein contained, shall prevent the Banks from taking a lien on real and personal property, to secure the bad and doubtful debts due said institution: *And provided further,* that nothing herein contained, shall

prevent the President and Directors, from receiving notes that may fall due for a longer time than ninety days, from and after said renewal, or from taking bills of exchange by the President and Directors of the Branch Bank, at Decatur, for curtailments and notes that may fall due, during the time of such suspension: *Provided*, that nothing herein contained, shall be so construed as to prohibit or prevent the said Presidents and Directors of said Branch Banks, respectively, from purchasing any lands, tenements or hereditaments, or any slaves or cotton, at any sale, under any mortgage or deed of trust, made to secure the payment of any debt or liability, due or owing to the said Branch Banks, or at any sale under any execution in favor of the Presidents and Directors of the same, whenever they shall be of opinion that the interest of the said Branch Bank requires any such purchase to be made: *Provided*, said Branch Banks shall not increase their circulation, by advancing money upon any such purchase.

Approved, 31st December, 1842.

JOINT RESOLUTIONS

To provide means by which the settlers on the public lands in the State of Alabama may enter their homes.

WHEREAS, an industrious and meritorious portion of our citizens residing on the public lands in this State, who are entitled to a right of pre-emption to their homes, in consequence of the unexampled scarcity of gold and silver, will, unless a means is devised, by which they can enter their homes with a currency other than that kind, be under the necessity, either of letting their right of pre-emption revert, or to make unreasonable and iniquitous sacrifices of property, in order to secure such funds as are alone receivable by the Receiver of public monies at the different land offices; to the end, therefore, that such of our worthy fellow-citizens, who reside on the public lands aforesaid, may not be reduced to the humiliating and ruinous condition of stipulating with the speculator on terms oppressively increased, in proportion to their necessities, and to the end also, that the circulation of the Bank of the State of Alabama and its Branches may not the more greatly depreciate in proportion to the increased demand for the precious metals in that region of our State.

1. *Be it therefore resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That our Senators in Congress, be and they are hereby instructed, and our Representatives be requested to use their best efforts to procure as speedily as possible, the passage of a law authorizing and requiring the Registers and Receivers of public monies at the land offices in this State, to take and receive from the actual settler upon the public lands in payment of their homes and cultivations entered by virtue of any of the pre-emption laws now in force, the bills of the Bank of the State of Alabama and its several Branches, to an amount equal to the two per cent fund, relinquished to this State, by the Congress of the United States, yet remaining unpaid:

Provided, that no settler shall be allowed to enter more than one quarter section of land with the bills of said Bank of the State of Alabama or any of its Branches.

2. *Be it further resolved*, That in the event of the passage of said law, by the Congress of the United States, the State of Alabama hereby makes it obligatory on her part, to receive from the Government of the United States in payment of said two per cent fund, the bills of the Bank of the State of Alabama and its Branches, to an amount equal to the amount so taken and received by the Registers and Receivers aforesaid, from the settlers aforesaid, in payment for their said homes.

3. *Be it further resolved*, That the State of Alabama shall be and is hereby bound to dispose of the said funds so received as aforesaid, in the same manner, and for the same purposes, and under the same conditions, upon which the same was relinquished to the said State of Alabama.

Approved, 27th January, 1843.

JOINT RESOLUTION

For the relief of Isaac Swan, Tax Collector of Sumter county, and for other purposes.

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Isaac Swan, tax collector, of Sumter county, for the year eighteen hundred and forty-two, be, and he is hereby allowed until the first day of March, next, to complete the collection of the taxes of said county, and to make final settlement and payment of the county tax of said county: *Provided*, that the securities of said Isaac Swan, give their assent thereto, in writing, to be filed in the office of the Clerk of the County Court of said county, any law or usage, to the contrary notwithstanding.

Approved, 8th February, 1843.

JOINT RESOLUTION

To extend the time of payment to the purchasers of Sixteenth Sections, and indebtedness to Sixteenth Sections on loans.

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the President and Directors of the State Bank of Alabama and its several Branches, are hereby required to permit all persons indebted to the several sixteenth sections in this State, for the purchase money of the several sixteenth sections sold, or for monies loaned by the State Bank or any of its Branches, out of the monies paid into Bank by the purchasers of the sixteenth sections, to extend the debts now due, or running to maturity, during the present year, until the first of March, eighteen hundred and forty-four, by paying the interest on the same, and giving additional security, if deemed necessary.

Approved, February 13th, 1843.

JOINT RESOLUTION

Directory to the Secretary of State.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Secretary of State be directed to transfer to the credit of the Tennessee canal fund, (or internal improvement fund,) the sum of three hundred and sixty-five dollars and sixty-eight cents, the amount on deposit in the Branch Bank at Decatur, to the credit of the Secretary, as money received by him on account of Courtland Land Office.

Approved, 13th February, 1843.

JOINT RESOLUTION

Relating to the manufacture of Cotton Bagging and Rope, in the Alabama Penitentiary.

Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Warden of the Penitentiary, be required to ascertain and report to the next Legislature, the amount and cost of machinery, necessary and proper to be used in the Penitentiary, for the manufacturing of rope and bagging, from cotton and hemp, also, the number of hands that may be necessary to be employed, and the wages of a competent person to act as manager, together with his views generally, as to the expediency of such a project.

Approved, 11th February, 1843.

JOINT RESOLUTION

Proposing amendments to the Constitution.

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the following amendments to the Constitution of the State of Alabama, be proposed to the people of said State, which when agreed to by a majority of all the citizens of said State, voting for Representatives, and ratified by two-thirds of each house of the next General Assembly, voting by yeas and nays, shall be valid, to all intents and purposes whatever, as a part of the Constitution of the State of Alabama, to wit: strike out the word fifty, in the tenth section of the fifth article, and insert in lieu thereof, one hundred, and strike out of the twelfth section of the fifth article, and insert in lieu thereof, the following: Chancellors, Judges of the Supreme Court, and Judges of the Circuit Courts, shall be elected by joint vote of both houses of the General Assembly, and Judges of the Inferior Courts shall be elected by the qualified electors of each county.

Approved, 2d January, 1843.

JOINT RESOLUTIONS

Of the Senate and House of Representatives of the State of Alabama, in General Assembly convened.

Be it Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Cashier of the Bank of the State of Alabama, be authorized to invest the sum of one hundred and nineteen thousand two hundred and seven, sixty one hundredths dollars, the first instalment of the two per cent fund, already received, in the Treasury notes, issued from the Treasury of the United States, bearing interest at the rate of six per cent. per annum, and shall hold the same, and the interest accruing thereon, subject to the provisions of the law heretofore made.

2d. *Be it further Resolved,* That the Cashier aforesaid, shall receive and re-invest the interest that may arise on such notes.

Approved, 10th February, 1843.

JOINT RESOLUTION

Requiring the Secretary of State to furnish Stationery for the Supreme Court Judges.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Secretary of State, be required to furnish such stationery for the use of the Supreme Court, as may be directed by the Judges thereof for *their use alone.*

Approved, January 23d, 1843.

JOINT RESOLUTIONS

In relation to a controversy between the States of New York and Virginia.

The Committee on Federal Relations, to which was referred the Report and Resolutions of South Carolina, adopted at its recent session in relation to the controversy between New York and Virginia, together with a copy of the act of the General Assembly of South Carolina, "to prevent the citizens of New York, from carrying slaves out of said State, and to prevent the escape of persons charged with the commission of any crime," have had the subject under consideration, and have instructed me to report, the following resolutions, and ask their unanimous adoption.

Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the State of Alabama will sustain the State of Virginia in all needfull and proper measures to redress the wrongs complained of, and to prevent their recurrence.

Resolved further, That the Governor send copies of this Report and Resolve, to the Governors of the several States, and our Senators and Representatives in Congress.

Approved, 14th February, 1843.

JOINT RESOLUTIONS

Authorizing the purchase of chairs for the Supreme Court room.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the sum of fifty dollars be, and the same is hereby appropriated for the purpose of purchasing chairs for the Supreme Court room, also the sum of fifty dollars, for the purpose of purchasing chairs for the Executive office, to be expended under the direction of the Governor.

And be it further resolved, That the Comptroller of Public Accounts, be, and he is hereby authorized and required to issue his warrant for the same, out of any money in the Treasury, not otherwise appropriated.

Approved, 3d February, 1843.

JOINT RESOLUTION

Authorizing Nathan Smith, to draw and receipt for the pay of Reuben Gardner, deceased, late a member of the House of Representatives, from the county of Pickens.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That Nathan Smith be, and he is hereby authorized, to draw and receipt for the pay of Reuben Gardner, deceased, late a member of the House of Representatives, from the county of Pickens, and that the receipt of the said Smith shall, to all intents and purposes be, as valid and binding as though made by the said Reuben Gardner, in person, were he living, any law, usage or custom, to the contrary notwithstanding.

Approved, 19th January, 1843.

JOINT RESOLUTIONS

In relation to a certain Sixteenth Section therein named.

*Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Cashier of the Bank of the State of Alabama, be authorized and required to deliver up to David Fluker, or his legal representatives, the notes given by him for the purchase of the south west quarter of section sixteen, township seventeen, range six east, situated in the county of Perry, and to pay to said Fluker, the sum of one thousand and fifty-two fifty-six one hundredths dollars, the amount of the purchase money paid by him to the said Bank: *Provided, however,* that the said David Fluker, or his legal representatives shall present to the said Cashier, certified evidence, that the contract between him, the said Fluker, and the School Commissioners of said sixteenth section, described as aforesaid, is rescinded by mutual consent.*

Sec. 2. *And be it further Resolved*, That the Commissioners of said sixteenth section, be authorized to settle with the said David Fluker and rescind said contract: and they are hereby further authorized to permit said Fluker to remain in the possession of said described tract of land, as long as they may deem necessary and proper to compensate him for any improvement he may have made on the same.

Approved, February 2d, 1843.

JOINT RESOLUTION

Directory to the Secretary of State.

Resolved, by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the Secretary of State, be authorized and directed to receive from Joel White, in exchange for Supreme Court Reports, one hundred and fifty copies of Aikin's Digest, which were purchased by the said White, upon the suggestion of a committee of the Senate, at the last session of the General Assembly.

Approved, 14th February, 1843.

JOINT RESOLUTIONS

Authorizing the Branch Banks, at Mobile and Decatur, to pay out their own issues in aid of valueless sixteenth sections, for the year 1842.

WHEREAS, doubts have arisen with the Directors of the Branch of the Bank of the State of Alabama at Decatur, whether they are at liberty under the resolutions of the Legislature of the thirty-first December, one thousand eight hundred and forty-two, to pay out their own issues in aid of valueless sixteenth sections, in case they have not other funds to meet such claims: *Therefore*,

Section 1. *Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened*, That the intention of the Legislature in passing said resolutions was not to prevent the Branch Banks at Mobile and Decatur, from paying out their own issues, on all legal claims arising from past contracts, but to prevent their dealing in bills of exchange, or discounting promissory notes.

Sec. 2. *And be it further resolved*, That said Branch Banks be and they are hereby required to pay of their own issues their proportional part of the two hundred thousand dollars, appropriated for the aid of valueless sixteenth sections: *Provided*, legal claims be presented to said Banks for services rendered in the year one thousand eight hundred and forty-two.

Approved, 25th January, 1843.

JOINT RESOLUTIONS

On the subject of the assumption of State Debts by the General Government, and against the repudiation of State Debts.

WHEREAS, the subject of the public and foreign indebtedness of the States of this Union, has created great interest and excitement throughout the United States, and a deep sensation in foreign countries to the prejudice of the States, to the General Government, and to American credit abroad.

AND WHEREAS, the agitation of this subject in Congress, has drawn the attention of the world to that body as the source whence is to come, the payment of the State Debts, and the relief of the creditors of the States.

AND WHEREAS, many gigantic scheme of assuming the State Debts by the General Government, in various shapes, and under various names, have been, and are still in contemplation.

AND WHEREAS, Alabama is one of the States so indebted, it is a proper time for the Representatives of the people of the State of Alabama to declare their opinions and sentiments fully on said subjects, and on the mode and manner suggested for the payment of the said State Debts: *Therefore,*

Be it resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That the State of Alabama is fully able to meet her own debts and liabilities, her faith and honor are pledge for the redemption of her bonds, the idea of repudiation is repugnant to her, and she recognizing her great seal as binding every foot of soil belonging to her citizens.

Resolved further, That while she spurns the idea of forfeiting her credit abroad, she will never consent to become tributary to the General Government. She holds the principle to be true, that, to force a favor upon a State without her consent, is as much a violation of her sovereignty as to force her to yield a right, which is reserved to her by the Constitution; and her right to reject a proffered service, is co-existent and co-extensive with her right to receive it.

Resolved further, That the assumption of the State Debts, by Congress directly or indirectly, would be a violation of the Constitution of the Union, and the sovereignty of the States.

Resolved further, That we instruct our Senators, and request our Representatives in Congress, to use all needful and proper means to prevent the passage of any act, which contemplates, directly or indirectly, the assumption of State Debts.

Resolved further, That the Governor of this State be requested to transmit a copy of these Resolutions and preamble to each of our Senators and Representative in Congress, and to the Legislature of each of the States.

Approved, 14th February, 1843.

JOINT RESOLUTIONS

Of the Senate and House of Representatives of the State of Alabama in General Assembly convened, to authorize the Bank of the State of Alabama and its several Branches, to issue small Bank notes, in exchange for larger Bank notes.

Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Bank of the State of Alabama and its several Branches, shall be and they are hereby auzhorized and required, whenever any person shall present to the said Bank, or either of its Branches, any note of the said Bank or either of its Branches, of the amount of one hundred dollars or more, to give to such person in exchange for the same notes of the said Bank, or either of its Branches, of smaller amount, any law to the contrary notwithstanding.

Approved, 13th February, 1843.

 PREAMBLE AND JOINT RESOLUTIONS

In favor of refunding to General Andrew Jackson, the fine of one thousand dollars, imposed on him by the Judge of the United States Court for the District of Louisiana, with costs and interest thereon, from the time of payment thereof.

WHEREAS, the vigilance, energy and military skill of General Andrew Jackson, at New Orleans, during the campaign of eighteen hundred and fourteen, and fifteen, have frequently been approved of by the American people;

And whereas, on the fifteenth day of February, eighteen hundred and fifteen, Congress voted thanks to that illustrious soldier, for his patriotic and gallant defence of New Orleans, and directed a medal to be struck and presented to him, in testimony of the high sense entertained of his good conduct and eminent services;

Resolved, therefore, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives be earnestly requested, to use their best efforts to effect the passage of a law, directing that the fine of one thousand dollars, imposed on General Andrew Jackson, by the Judge of the United States Court for the District of Louisiana, for an alledged contempt of his authority, and which was paid into the hands of the Marshal of said District, by General Andrew Jackson, be refunded to him, with costs and interest on the same, from the day of payment thereof.

Resolved, That the Governor be requested to transmit a copy of this Resolution to each of our Senators and Representatives in Congress.

Approved, December 16th, 1842.

JOINT RESOLUTION

Concerning the Sixteenth Section of Township Seventeen, Range Six, East.

WHEREAS, at the sale of the sixteenth section, in township seventeen, range six, east, one William Cocke became the purchaser of the east half of the northeast quarter of said section, for which he executed his notes, with Henry Wood and John Parham as the securities; and the said parties having failed to pay any part of the purchase money, and having removed from the State, and become, as is believed, wholly insolvent, and the said Cocke having surrendered his certificate of purchase to the Commissioners of the said sixteenth section:—Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Commissioners of the sixteenth section of township seventeen, range six, east, be, and they are hereby authorized to enter upon and take possession of the east half of the northeast quarter of said sixteenth section, and shall hold and dispose of the same for the benefit of the said township, in the manner now prescribed by law.

Approved, January 13th, 1843.

JOINT MEMORIAL AND RESOLUTIONS

Of the General Assembly of the State of Alabama, to the Congress of the United States.

Your memorialists respectfully represent to your honorable body, that a large portion of the public domain within this State, which has been at different times offered for sale, is of little value—not worth government price. Believing that the interest of the General and State Governments requires that the price of the public lands, which have been in market for the last five years, should be so reduced as to offer inducements to the citizens to take them up; that such reduction will be of advantage to the General Government by way of revenue—to the State Government by way of tax—to the citizen in securing a home; your memorialists respectfully request that a law be enacted, reducing the price of this class of public lands.

Be it therefore Resolved, That our Senators in Congress be instructed, and our Representatives requested, to lay this memorial before the Congress of the United States, and urge the passage of a law reducing the price of the public lands.

And be it further Resolved, That His Excellency the Governor be requested to transmit a copy of this memorial to our Senators and Representatives in Congress.

Approved, February 6th, 1843.

JOINT RESOLUTION

Of the State of Alabama, in General Assembly convened, in relation to the Territory ceded by the Creek Indians to the United States.

WHEREAS, the titles to many of the tracts of land in the section of country in this State, ceded by the Creek tribe of Indians, to the United States, on the twenty-fourth day of March, eighteen hundred and thirty-two, are yet unsettled, and thereby the improvement of the country is retarded:—

Therefore,

Be it Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That it is highly desirable, that the President of the United States, would adopt the most prompt and efficient means in his power, either by the appointment of an agent, or otherwise, to settle and quiet the titles aforesaid; to receive and pay over to the Indians, such monies as are due and uncollected for them, and to close the execution of said treaty, so far as the rights of the citizens of the ceded territory, may be affected,

Resolved, That a copy of the foregoing resolution be transmitted to the President of the United States, and to each of the Senators and members of Congress from this State.

Approved, 30th December, 1842.

JOINT MEMORIAL

Of the General Assembly of the State of Alabama, to the President of the United States.

Your memorialist begs leave respectfully to represent, that at the time the Cherokee lands, lying within the State of Alabama, were attached to the Coosa and Huntsville land districts, the plats of survey of said lands were incomplete, and were not delivered at the offices until about the middle of April, eighteen hundred and forty-two.

Your memorialist would further represent that the citizens residing on said lands, were informed that the period of twelve months would be allowed from the time said plats of survey were filed in the office, to prove pre-emption rights and make entries under the pre-emption law, previous to the offer of the lands at public sale, and this they were informed by the members of Congress, from the State of Alabama; but that the sale thereof is now ordered to take place at Lebanon, on the sixteenth day of January and sixth day of February next, and at Huntsville, on the twenty-third day of January next.

Your memorialist would further represent that the settlers are entering the said lands at a rapid rate, and that within the twelve months which they expected would be allowed from the opening of the office until the sale, most of the pre-emptions will be secured, and the settlers protected in the possession of their homes against capitalists and speculators, who would, at a public sale, purchase the lands upon which there might be a speculation, at the minimum price.

The premises considered, your memorialist respectfully request that the sale of lands alluded to in this memorial, be postponed until the expiration of twelve months, from the time of filing in the land office, the plats of survey, and until such other and further time, as the President may deem compatible with the interest of the Treasury of the United States.

Resolved, That his Excellency, the Governor of this State, be instructed forthwith, to transmit to the President of the United States, a copy of the foregoing joint memorial, and also a copy to each of the Senators and Representatives of this State, in the Congress of the United States.

Approved, 7th December, 1842.

DEPARTMENT OF STATE, }

Tuscaloosa, Ala., March 8th, 1843. }

I have carefully examined the foregoing Acts, Resolutions, and Memorials, and find them to be correct copies of the original rolls, deposited in this office.

W. GARRETT,
Secretary of State.

NOTE.—The Joint Resolutions proposing certain amendments to the Constitution, printed on page 224, although an exact copy, both as engrossed and enrolled, contains an alteration from the resolution, as originally introduced. The word “*of*,” where it occurs at the commencement of the tenth line, is not found in the original.

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